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THE MUTUAL DEFENSE ASSISTANCE PROGRAM*

ROBERT H. CONNERY
Duke University

AND

PAUL T. DAVID
Brookings Institution

The Mutual Defense Assistance Program represents the military portion of an important foreign policy of the United States, that of aid to free nations. While assisting allies by grants of money and supplies is by no means a new undertaking, even for the United States, the scope of this program, under which expenditures may soon exceed $7 billion annually, makes it a good laboratory specimen to illustrate the impact of a positive foreign policy on the structure of the national government. Furthermore, analysis of the program clearly shows the tremendous changes that have taken place in the methods of formulating and administering American foreign policy since the end of World War II.

For more than a generation prior to 1916, the Secretaries of State, War, and Navy occupied the same building at the seat of government. It was said that the Secretary of State need take only 120 steps to reach the desk of the Secretary of War or of the Navy (and vice versa),[1] but there is little evidence that those steps were often taken. Indeed, one Secretary of State wished to erect partitions in the halls in order to preserve "the quiet and privacy which are essential to the proper conduct of business in the Department of State." In the nineteenth century it probably did not make much difference how frequently these officers conferred, for it was a different world than the one in which we are now living. On those rare occasions when military force was necessary to protect American interests abroad, it probably was sufficient for the Secretary of State to ask the Secretary of the Navy what forces were available for effective intervention, and upon the basis of his reply to determine whether the Marines should be landed.

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* In June, 1950, the Brookings Institution undertook a study of the administration of foreign affairs and overseas operations for the Bureau of the Budget. Paul T. David of the Brookings Institution was senior staff member in charge of the project; Robert H. Connery of Duke University was senior consultant for the portion of the study concerning foreign military affairs and the Department of Defense. In connection with the study, both authors visited London, Paris, and other European centers in the fall of 1950, and observed the work of the Mutual Defense Assistance Program and the North Atlantic Treaty Organization at first hand. In the drafting of the present article, Mr. Connery has contributed the greater portion; Mr. David was responsible for the fifth section and a part of the fourth.

[1] Robert G. Albion, "State, War and Navy—Under One Roof, 1882," *United States Naval Institute Proceedings*, Vol. 75, pp. 793–796 (July, 1949).

Today armed intervention involves much more complex considerations, as the situation in Korea makes abundantly clear. During the last half-century, technological developments have gradually changed the position of the United States in relation to the rest of the world. The superior ability of the United States to translate scientific advances into industrial knowledge and to disseminate considerable amounts of technical information throughout large parts of the population is reflected in the preëminent position of this country in productive capacity and wealth.

Technology has also had two other major areas of direct impact on international relations—the development of new weapons and of rapid communications and transport. New weapons, particularly long-range aircraft and the atomic bomb, have from the military point of view ended the physical isolation that the two oceans were so long thought to provide. Modern methods of communication and transportation have increased the speed with which events occur and make their effects felt; they have also hastened the impact of events upon opinion, and have enlarged the flow of information to be taken into account by all policy-makers. Moreover, they have made necessary close liaison between American foreign policy and national military power, leading to the use of the term "politico-military affairs" for those matters which combine elements of foreign and military policy.

Whether the Mutual Defense Assistance Program represents a successful integration of politico-military affairs is a question upon which this paper may throw some light. The Mutual Defense Assistance Program has been an interdepartmental operation; it has also been an activity involving close relations with the governments and military authorities of many different nations. The background of the greater part of this foreign military assistance program lies in the North Atlantic Treaty and in the organization that has been created pursuant to the treaty.

I. THE NORTH ATLANTIC TREATY ORGANIZATION

The North Atlantic Treaty had a precursor in the Brussels Pact. The Brussels Pact, in turn, had its origin in a speech of Ernest Bevin, British Foreign Secretary, before the House of Commons on January 22, 1948,[2] in which he posed the question of whether the unity of Europe should be achieved by the domination of one great power using police-state methods or by mutual cooperation and assistance. Bevin chose mutual cooperation, stating that he believed the time to be ripe for the consolidation of Western Europe. He proposed, therefore, that the United Kingdom, France, Belgium, the Netherlands, and Luxembourg join together in a five-power treaty to form the "nucleus of a Western European unit" which would be open for membership to other free countries of Europe.

On March 17, 1948, these five European powers signed the Brussels Treaty[3] and thereby brought into being the Western Union, which promised to bring about among Western European countries a degree of political integration never before achieved. Under the Brussels Treaty, the signatory countries contracted to give "all military and other aid and assistance in their power" to a member state that was the object of armed attack in Europe. The treaty provided for a Consultative Council of Foreign Ministers; this body in turn established a Permanent Military Committee, made up of high-ranking military experts, and arranged for periodic meetings of the member Ministers of Defense.

From the start, the United States showed genuine interest in the Western Union. Beginning in July, 1948, military representatives of the United States participated in a non-member status on the Permanent Military Committee. In a statement to Congress on the day the Brussels Treaty was signed, President Truman said, "I am sure that the determination of the free countries of Europe to protect themselves will be matched by an equal determination on our part to help them do so."[4] And in a subsequent Senate resolution,[5] one of the objects of United States foreign policy was defined as the "association of the United States by constitutional processes with such regional and other collective arrangements as are based on continuous self-help and mutual aid and as affect its national security."

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[2] *The North Atlantic Pact*, Department of State Pub. 3462, General Foreign Policy Series 7, p. 14 (Washington, March, 1949).

[3] See *Collective Defence Under the Brussels and North Atlantic Treaties*, Minister of Defence, Cmd. 7883, pp. 13–16 (London, Feb., 1950).

[4] Address of the President of the United States, *Congressional Record*, 80th Cong., 2nd sess., Vol. 94, pt. 3, pp. 2996 ff. (March 17, 1948).

[5] S. Res. 239, commonly referred to as the "Vandenberg Resolution," *Congressional Record*, 80th Cong., 2nd sess., Vol. 94, pt. 6, pp. 7791 ff. (June 11, 1948).

Conversations begun in Washington during the summer of 1948 bore fruit nine months later on April 4, 1949, when the United States joined with the five powers of the Western Union, and with Canada, Denmark, Iceland, Italy, Norway, and Portugal in the North Atlantic Treaty.[6] An important part of the treaty was devoted to providing for a permanent organization, the North Atlantic Treaty Organization (NATO), which was very similar in general design to that already established under the Western Union. Indeed, some of the defects that later became apparent in the organization under the new treaty could be traced to unhesitating acceptance of the Western Union organization.

The North Atlantic Treaty established the North Atlantic Council, consisting of the foreign ministers of the treaty members, and authorized the Council to create a Defense Committee, together with such other subsidiary bodies as might be required. Subsequently the Council did establish two agencies: the Defense Committee, normally consisting of the defense ministers of the member nations, to draw up unified defense plans; and the Defense, Financial and Economic Committee (DFEC), normally composed of the finance ministers, to advise the Council on financial and economic matters. The United States representative on this latter committee was the special representative in Europe of the Economic Cooperation Administration. Later the North Atlantic Council established the Council of Deputies as its continuous working body.

Thus the United States was represented on three NATO ministerial level agencies—on the North Atlantic Council, by the Secretary of State; on the Defense Committee, by the Secretary of Defense; and on the Defense, Financial and Economic Committee, by the European chief of the Economic Cooperation Administration. Although it was true that NATO placed the Council at the top, it could not be said that the American representatives on the other bodies were subordinate to the United States representative on the Council, namely to the Secretary of State. The same condition existed for other countries, thus giving a third dimensional pattern to this international organization. The certainty with which a foreign minister might speak for his country depended in a large measure upon his relative political strength and upon the degree of unity in the government of which he was a member.

In Europe, these difficulties were most clearly evident in such countries as France, Italy, Norway, and the Netherlands, where coalition cabinets were necessary for a working majority in the Parliament. Party differences within these cabinets undoubtedly accentuated the difficulty of securing agreement on questions of defense, and these differences did not facilitate the implementation of decisions made by the respective ministers within the three NATO committees.

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[6] *North Atlantic Treaty between United States and Other Governments*, Department of State Pub. 3635 (Washington, Aug. 1949). See also *North Atlantic Treaty*, Hearings, U. S. Senate Committee on Foreign Relations, 81st Cong., 1st sess. (Washington, 1949).

The Defense Committee also established a number of subordinate bodies. Among these was the Military Committee, made up of the chiefs of staff of the member countries. This committee provided general policy guidance and made recommendations on military matters to the Defense Committee and other agencies. The Standing Group, composed of military representatives from the United Kingdom, France, and the United States, was established to serve as the working agency for the Military Committee. A Military Production and Supply Board (MPSB) was created to review the military supply situation in the light of material requirements, current availability and increased production needs, and also to accelerate deliveries by promoting efficiency in production through standardization and conservation. The United States representative, and chairman of this body, was the chairman of the Munitions Board in the Department of Defense. Five regional strategic planning groups were also created, each charged with the mission of developing and recommending plans for the defense of its region to the Military Committee, through the Standing Group.

Obviously there was need for a high degree of integration between efforts of the United States in the NATO and United States military aid under MDAP. Strategic plans prepared by NATO military planning bodies depended largely upon United States aid under MDAP for implementation. Therefore it may be helpful to see how the Mutual Defense Assistance Program was organized and then to determine what success was attained in integrating it with the North Atlantic Treaty Organization.

II. THE MUTUAL DEFENSE ASSISTANCE PROGRAM

The first large-scale military assistance program of the United States in the postwar years was for Greece and Turkey, in support of the Truman doctrine of aid to free peoples resisting aggression. Beginning in 1947 and continued at an accelerated pace in the following years, the program was effective in accomplishing the limited objectives of driving Communist forces out of Greece and of strengthening the Turkish armed forces.

As indicated above, the Western Union was created in the spring of 1948. Later in the same year the National Security Council recommended to the President that consideration be given to developing a program of military assistance. On approving the recommendations of the Council, the President assigned to the Secretary of State the mission of exploring available means for strengthening the free nations, with particular emphasis on those of Western Europe. In the meanwhile, political negotiations were proceeding which led to the eventual signing of the North Atlantic Treaty in April, 1949.

Even earlier, in December, 1948, the Secretary of State, in cooperation with the Secretary of Defense and the Administrator for Economic Cooperation, established an *ad hoc* committee, which included members from the three governmental agencies headed by these officials, to recommend administrative measures. This committee, known as the Foreign Assistance Correlation Committee (FACC), was later replaced by the Foreign Military Assistance Coordinating Committee (FMACC). The latter committee prepared a single program encompassing all military assistance projects and drafted the necessary legislation. Congress accepted its recommendations and incorporated them in the Mutual Defense Assistance Act of 1949, which became law on October 6, 1949.[7] Three weeks later the necessary appropriations for the period ending June 30, 1950, were provided.[8]

This original Act was amended after the *First Semiannual Report* on the program[9] had been made to Congress on June 1, 1950. The President on that date[10] proposed that the Act be extended and also amended to remove certain administrative difficulties that had become evident during its period of operation. These amendments were passed by Congress and approved by the President on July 26, 1950.[11] Supporting appropriations of $1¼ billion were approved for the fiscal year 1951 a short time later.[12]

The Korean crisis led to a review of the scope of the program to determine what additional resources could be made available. As a result of this reëvaluation, the President asked Congress for $4 billion in additional funds to expand the Mutual Defense Assistance Program.[13] The bulk of these funds was to be used to strengthen the security of the North Atlantic area, with the rest to be devoted to expanding and accelerating military assistance to vital areas in other parts of the world. In a supplemental appropriation act, Congress voted the amount requested by the President.[14] Up to this point approximately $7¼ billion had been appropriated for military assistance.

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[7] *Public Law* 329, 81st Cong., 1st sess.

[8] *Public Law* 430, 81st Cong., 1st sess. (Oct. 28, 1949).

[9] H. Doc. 613, 81st Cong., 2nd sess.

[10] *Congressional Record*, 81st Cong., 2nd sess., Vol. 96, pt. 6, pp. 7896–7897.

[11] An Act to Amend the Mutual Defense Assistance Act of 1949, *Public Law* 621, 81st Cong., 2nd sess.

[12] *Public Law* 759, 81st Cong., 2nd sess.

[13] H. Doc. 670, 81st Cong., 2nd sess. (Aug. 1, 1950).

Certain basic principles were set forth in the original Act to guide the development and operation of mutual defense assistance. Economic recovery is requisite to security; therefore, full recognition should be given to the need for balancing national economic effort against national military strength. The Mutual Defense Assistance Program should be so conducted as to enable the free nations of the world to increase their capacity to support the United Nations Charter. The extension of military assistance to the free nations of the world should be premised on the policy of self-help. Nations receiving aid would be expected to devote a relatively large percentage of their national budget to military expenditure. In order to achieve an economy of effort, self-defense must be organized on a collective, integrated basis. This means that the North Atlantic Treaty nations, for instance, must work together in a pattern of unity, each contributing to the common defense in proportion to its capacity and receiving assistance in proportion to its need. Each nation under this system must undertake in the common interest the tasks for which it is best suited by strategic position, and by resources in manpower and material. Finally, in addition to increasing the combat readiness of the forces of the recipient nations in a material sense, the Mutual Defense Assistance Program should operate so that the feeling of self-security and confidence among the peoples of the free world might be increased and the morale of those who might have to resist Communist aggression would be strengthened.

Title I of the Mutual Defense Assistance Act, as amended, authorized aid in the form of equipment, materials and services to those treaty nations which requested such assistance from the United States. The initial requests came in part as a result of a year's work by the agencies of the Brussels Treaty and were based upon military requirements of the interim defense plan for the countries of the Western Union (United Kingdom, France, Belgium, the Netherlands, and Luxembourg). Non-Western Union members of the North Atlantic Treaty Organization (Italy, Denmark, Norway), however, also were authorized aid under this title. Initial information and requests from these nations were received unilaterally.

The continuation of programs of military aid to Greece and Turkey was provided by Title II of the original Act, and the 1950 amendments included military assistance to Iran. Finally, by Title III, military assistance to Korea and the Philippines was authorized and an emergency fund for the general area of China was established.

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[14] *Public Law* 843, 81st Cong., 2nd sess. (Sept. 27, 1950).

The first step in the implementation of the program was the negotiation of bilateral agreements between the United States and each of the countries concerned. These agreements, in addition to other details, contain specific provisions regarding the use of the equipment furnished, reciprocal assistance for the United States, provision of local currency for the administrative expenses of the United States agency in charge of the assistance in a country, maintenance of security, and prohibition of the transfer of equipment to any other country without the consent of the United States.

Four categories of military aid were included in the program: (1) finished items of military equipment, usually known as end-items; (2) training and technical assistance; (3) additional military production projects; and (4) military equipment on a reimbursable basis. The quantity of finished or end-item equipment to be supplied by the United States was determined from deficiency lists covering each of the countries requesting aid. In theory at least, the equipment requested reflected the contemplated expansion of military force to meet strategic plans of the North Atlantic Treaty Organization. Actually NATO strategic concepts had not been fully developed when the first allotments of military assistance were made. The country deficiency lists were filled in the light of the amount of aid made available by Congress. In translating the requests into assistance programs, every effort was made to include only those items which could not be made available by expansion of a foreign country's own industrial production or through mutual transfers among the North Atlantic nations. The programming of equipment deliveries also required careful consideration as to those items which could be spared most readily from existing United States stocks and which could be produced in this country without impeding the rearmament effort.

The long-range success of the Mutual Defense Assistance programs would depend to a great extent on the degree to which the North Atlantic countries were prepared to use and maintain the items of equipment furnished. Technical assistance, consequently, was provided through a variety of training programs. Large numbers of military personnel from the participating countries attended courses of instruction at training centers operated for our own troops under European command in Germany, and at Army, Navy and Air Force installations in the United States. In addition to this formalized instruction, basic training in the operation of certain types of specialized equipment was given by mobile training teams, proceeding from country to country as the need arose. The primary emphasis in all these programs was on the training of foreign military personnel who, in turn, could become instructors for their own nationals in the operation and maintenance of American weapons.

In the days preceding the military assistance program, the use of munitions production capacity and of technological methods in Europe was seriously restricted by the unfavorable economic conditions in the countries concerned and by the consequent need for reëstablishing the civilian economies on a sound basis. However, it was assumed that with the wise expenditure of relatively small amounts of United States dollars on production projects, the proportion of military goods produced in Europe could be greatly increased. This assumption was the basis for the part of the program which concentrated upon additional military production, commonly called AMP.

The effective execution of additional military production projects presented a whole field of unique problems centering upon the basic question of how a given nation can, "using existing production capacity, and with United States assistance in the procurement of machine tools, materials and components, contribute most effectively toward meeting its own net deficiencies and those of others through indigenous production."[15] The answers involve multilateral consideration of such problems as integration with United States production, international standardization of equipment, relative technical skill, patent waivers, strategic location of facilities, raw material availabilities, and impact on the domestic economy.

The Act of 1949 forbade the use of United States funds for the construction of new factories, with aid for additional military production limited to machine tools and raw materials. The 1950 amendments of the Act changed this section to permit the use of funds for the purchase of production equipment in general. Indeed, it was expected that several hundred million dollars of the supplementary $4 billion voted in September, 1950, would be used for this purpose.

Finally, the last type of aid provided under the Act was for the purchase of military equipment on a reimbursable basis. This provision was extended to those countries cited in the three basic titles of the Act, and also to other countries that had entered into collective defense or mutual protection arrangements with the United States. Thus, in addition to the provisions for the grant-aid nations, reimbursable aid was made available to the Latin-American countries, which had ratified the Rio Treaty, and to Canada, Portugal and Iceland. There were some restrictive provisions in the original Act which were removed in the amendments. Under present arrangements, equipment can be purchased at fair value and paid for in cash or under credit terms approved by the Department of State.

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[15] *First Semiannual Report*, p. 41.

The Mutual Defense Assistance Act of 1949 was essentially a grant of power to the President. He was authorized to furnish military assistance, and funds were appropriated for this purpose in subsequent legislation. He was authorized, however, to exercise any power conferred on him "through such agency or officer of the United States" as he might direct.

III. INTERDEPARTMENTAL ADMINISTRATION OF THE PROGRAM

In an executive order, the President delegated his powers under the Act to the Secretary of State.[16] Among the stipulations contained in the executive order were the following: All military assistance provided under the terms of the Act must be in conformity with programs approved by the Secretary of State after consultation with the Secretary of Defense and the Administrator for Economic Cooperation; no equipment might be transferred out of military stocks if the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determined that such a transfer would be detrimental to the national security of the United States; the Administrator for Economic Cooperation was required to advise the Secretary of State concerning the economic effects of the military assistance program.

An interdepartmental committee, composed of the Secretary of State, the Secretary of Defense, and the Administrator of the Economic Cooperation Administration, was placed at the top of the administrative hierarchy charged with the direction of the Mutual Defense Assistance Program. This committee, known as the Foreign Military Assistance Steering Committee, never met. Actual direction was carried on through a working committee, known as the Foreign Military Assistance Coordinating Committee (FMACC), the members of which body were the Director of the Mutual Defense Assistance Program, Department of State, who was chairman; the Director, Office of Military Assistance, Department of Defense; and the Director, Program Relations Staff, Economic Cooperation Administration. In the event that any of these positions was vacant—as was the Department of State position for a long period—the assistant or acting director served on the committee.

The FMACC made recommendations to the Secretary of State with reference to basic policies, reviewed proposed military assistance programs, and made recommendations regarding further development. It met frequently, indeed almost continuously in some crucial periods. Its agenda covered a wide range of topics, but its most important work concerned the establishment of a field organization, the determination of operating procedures, the fixing of reporting methods and the approval of programs setting forth the kind of aid to be furnished each country. It prepared a series of position papers defining program objectives and outlining the responsibilities of the Departments of State and Defense and of the Economic Cooperation Administration.

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[16] Executive Order No. 10099, dated January 27, 1950.

The general assumptions under which the MDAP has operated were that the authority to allot funds rested with the Secretary of State but that, once major objectives and annual programs were determined through existing interagency coordinating machinery, each agency would have freedom to develop its internal organization and to carry out its responsibilities. Most operational functions were placed in the Department of Defense. The Economic Cooperation Administration at first acted primarily in an advisory capacity in evaluating the economic impact of the program, but under the recent expansion of the additional military production program it has assumed a much larger role.

Since the Act clearly stated that existing agencies were to be used so far as possible for carrying out the program, each of the three agencies established within its own organization an office charged with Mutual Defense Assistance operations. In the Department of State, the position of Director, Mutual Defense Assistance Program was created in the Office of the Secretary of State. (James Bruce, the first Director, remained at the post only a short time, while John H. Ohly, the Deputy Director, served as Acting Director during most of 1950.) The Director was assisted by programming and control staffs, as well as by public affairs, intelligence and legal advisers. This organization had a total complement of approximately sixty persons and to some extent also used the facilities of other agencies within the Department of State for staff assistance.

It was the function of the programming and control staffs to screen programs submitted by the Department of Defense; it was within this combination of staff facilities that systems for accounting and reporting were operated. Thus the Secretary of State had machinery within the Department for examining programs and for determining the extent to which action taken was in accord with approved programs.

The Department of Defense, responsible for most of the actual operations, acted through the Office of Military Assistance in the Office of the Secretary of Defense, the three military departments, the Joint Chiefs of Staff, and the Munitions Board. The Office of Military Assistance was headed during its formative period by Major General Lyman Lemnitzer and later by Major General Stanley L. Scott. With a staff of twenty-four persons, it was the departmental coordinating body for the Department of Defense and the channel of liaison with the Department of State and the Economic Cooperation Administration.

The procedural flow within the Department of Defense followed certain recognized channels. Broad military criteria and policies with reference to military assistance to foreign nations were established by the Joint Chiefs of Staff. The JCS defined the specific military objectives to be achieved, set the military basis for programs in the light of priorities among foreign countries and strategic and logistic problems, and determined the interservice division of military assistance funds. The Office of Military Assistance coordinated policy papers and secured reviews of program proposals against military commitments and strategic plans. Lemnitzer and later Scott served as Department of Defense representative on the interdepartmental committee of the FMACC.

Responsibility for the development of program detail, for supply and training, and for administrative support generally was decentralized to the three military services, with the greater part of the operation falling to the Department of the Army. That is, the three services managed the actual procurement of new equipment and rehabilitated existing military equipment assigned for transfer. They arranged for the flow of supplies and furnished the training and technical assistance necessary for successful use of matériel furnished. And finally, they provided the personnel for the military missions that were sent overseas.

The Economic Coöperation Administration (ECA) played a less active part in the MDAP than the Departments of State and of Defense until the fall of 1950. It did supply a representative to sit on the interdepartmental committee, prepare occasional reports on the economic capabilities of various countries, and make recommendations concerning additional military production projects; but until the fall of 1950 these projects were very few. While the ECA cooperated in the program both in Washington and in the field, its interests were not so extensive as those of the other two agencies and it remained preoccupied with the European Recovery Program.

The MDAP operated at the country level through the United States ambassador as chief of mission, a foreign service officer known as the special assistant to the ambassador for MDAP, a Military Assistance Advisory Group (MAAG), and an economic advisor from the ECA mission in the country. Broadly speaking, the work of each of these persons was concerned with his own specialty. The special assistant was the political specialist and either personally or through the ambassador and other embassy officials handled political problems, such as negotiations for the original bilateral agreements, the immunities and privileges of MDAP personnel, and the size of the total mission. The MAAG, or military mission, dealt with the foreign military services, helping them to prepare their deficiency lists of military equipment, to arrange their training programs and to assure that supplies were used only for designated purposes. The ECA representative has been the economic specialist, furnishing general advice on conditions in the country as well as specific reports on additional military production projects.

All three groups attached to the embassy were responsible to the ambassador so far as Mutual Defense Assistance was concerned, although the ECA has been independent for its own programs. In most of the countries, some type of overall advisory committee composed of the special assistant, the chief of the MAAG and the ECA representative met fairly regularly, in some instances under the chairmanship of the ambassador. With one or two exceptions, relations among these three groups have been good. There have been full exchange of information and excellent team work between the military and the special assistants. The country missions were a good example of informal organization supplementing and perfecting the formal organization.

Headquarters in Washington was concerned at various times with the question of whether the chief of the MAAG should report directly to the ambassador or through the special assistant, but so far as the actual operations of the program have been concerned this matter has been of little practical importance. The Department of Defense also has been much concerned about the right of the military officials to use their own communication channels for implementing details of the program. Actually, in the field there has usually been a free exchange of dispatches on all phases of the program between the chief of the MAAG and the special assistant.

Organizationally there has often been greater difficulty within the embassy between the ambassador and the special assistant than between the MAAG and the embassy. Failure to brief the ambassadors, the selection of senior foreign service officers as special assistants, and the failure to clarify relationships made for beginning difficulties that probably could have been avoided. In the last six months there appears to be some tendency to give the counselor of embassy additional duty as special assistant, aided by a junior officer, thus bringing this activity back into the regular chain of command. Special assistants, incidentally, have been used in connection with MDAP only in Europe, and not in the Far East.

It was early decided that the MAAGs should be kept entirely separate from the military, naval, and air attaché sections of the embassies. In the beginning some ambassadors urged that the military assistance program be placed under the military attachés, but this view did not prevail, largely because of two factors: the possible reaction of foreign governments to a combining of military assistance with what had long been regarded as an intelligence activity, and the difference in the type of personnel required for the two operations. The military assistance programs required men skilled principally in materiel management and personnel training, while intelligence officers customarily have been chosen upon other grounds. This decision seems to have been a wise one, according to embassy officials who have been in touch with the military assistance program. Foreign military departments are said to have been much more cooperative and frank in their relations with the MAAG than with the attachés.

Each country's program, one might assume, should be based upon strategic plans. Unfortunately, security considerations (it has been said) prevented discussion of NATO strategic plans in such detail as to be of much use to the MAAGs in program formulation. During the first year of the military assistance program, this situation did not make much difference because the amount of aid available was small and the military needs of Western Europe were great. It could reasonably be assumed that every country in the North Atlantic Treaty would need a small, balanced security force. But with larger grants and a vast additional production program, strategic planning becomes an increasingly important problem.

The MDAP and United States participation in NATO were loosely tied together through an informal body called the European Coordinating Committee (ECC), consisting of the United States Ambassador to the United Kingdom, representing the Secretary of State; General Thomas T. Handy, the Military Representative of the Secretary of Defense;[17] and Ambassador Averell Harriman (after June, 1950, Milton Katz), Special Representative in Europe for ECA. This body had an executive director and secretariat in London, with functions not formally defined until recently, which played an important role in supplying such coordination as existed between MDAP and NATO at the regional level in the field.

General Handy, as the Military Representative of the Secretary of Defense, had established the Joint American Military Advisory Group

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[17] General Handy wore at least five different "hats" in four different chains of command. He was military Commander in Chief in Europe (CINCEUR). He was also Army Commander in Europe; Army member of JCS representatives in Europe, Military Representative of the Secretary of Defense in Europe, and United States Representative on the Western European Planning Group.

(JAMAG) in London. There were two parts to JAMAG: one, called the Military Assistance Program Advisory Group (MAPAG), had regional responsibility for the MDAP in Western Europe; the other, called Planning, North Atlantic Treaty (PLANAT), supplied liaison between Americans participating in NATO strategic military planning and the military assistance program.

By the end of 1949, the Defense Committee, the Military Production and Supply Board, and the Defense, Financial and Economic Committee had been established and were in operation. The Mutual Defense Assistance Act of 1949 had been passed and funds appropriated. United States survey teams had visited the countries of Western Europe and had returned with tentative lists of material requirements.

Bilateral agreements with NATO countries were negotiated, and by February, 1950, diplomatic clearances for the entrance of Military Assistance Advisory Groups had been obtained. (Military missions had previously been established in Greece and Turkey, Title II countries, under the provisions of existing military aid legislation.) By May, 1950, initial shipments of military equipment and supplies had been completed without interference by Communists. The Korean crisis in June and the long lead time required for most military items were responsible for holding quantities shipped to a mere trickle until the fall of 1950.

In May, 1950, the foreign ministers on the North Atlantic Council decided to appoint deputies who could devote full time to NATO matters. Charles M. Spofford was named as United States deputy and chairman of the Council of Deputies. Although appointed in July, Spofford's instructions were not formally approved until December 16, 1950. His accomplishments during the intervening period were substantial, but he was somewhat embarrassed by lack of clearly defined authority, particularly in relation to matters concerning the Department of Defense. The ECC staff became his staff and he replaced the United States Ambassador to the United Kingdom as chairman of ECC.

IV. REORGANIZATION OF NATO AND MDAP

By the fall of 1950, it was evident the NATO needed drastic reorganization if Western Europe were to be rearmed rapidly. Moreover, the greatly expanded Mutual Defense Assistance Program pointed to the necessity of a similar reorganization in Washington. The two undertakings had to be knit together much more closely. NATO was too complicated an organization and was unable to provide the vigorous leadership needed for Europe to be prepared against possible invasion. MDAP was being conducted too much along bilateral or even unilateral lines, with insufficient consideration of any realistic strategic plan for Western Europe or of any plan for a combined mobilization of the economic strength of the free world.

Some of the difficulties of NATO have already been indicated by the description of the committee structure at the ministerial level. Naturally enough, this division of authority at the top because of the triple ministerial committees was carried down into the underlying committees; the impression was one of layering in three columns, particularly under the Defense Committee and to a lesser degree under the Defense, Financial and Economic Committee. The secretariat arrangements were similarly divided, and so were the headquarters facilities in London and Washington.

When the Council of Deputies was established, it had the task of attempting to pull the entire machine together, but was equipped with very little authority with which to do so. Nevertheless, with an almost complete absence of formal authority, it began to work with, and to secure cooperation from, the bodies subordinate to the other high-level committees. At the same time, it began to create a series of substitute bodies under its own control.

A major problem was that of the relationship of NATO to the Organization for European Economic Cooperation (OEEC), with its headquarters in Paris. The contrast between the two organizations in the fall of 1950 was striking. NATO had immense responsibilities and growing public and governmental support, but almost nothing else. OEEC was looking forward with misgivings to the termination of the European Recovery Program and the possible loss of its major functions to NATO, but meanwhile had a seasoned organization and an impressive appearance. NATO had no international budget and no staff on its own payroll; it had various combined international secretariats, provided through contribution of personnel by the governments concerned. OEEC had a staff of around 900 on an international budget of approximately $4 million. NATO was occupying a number of remodeled old houses in Belgrave Square, London, while it awaited the completion of work on an additional number of the same. OEEC occupied a handsome chateau and an adjacent newly constructed office building in Paris. NATO was headquartered in the one country most inclined to feel that matters should be arranged bilaterally and that multilateral arrangements should not be too much pressed. OEEC was headquartered in the country that had given most enthusiastic support to multilateral approaches to the problems of Western Europe.

Under the circumstances, the economic and industrial work of NATO had not progressed; yet it was essential for that work to be pushed. The Military Production and Supply Board had begun a study of means of integrating European industrial strength, but little progress had been made. The Defense, Financial and Economic Committee had encountered equally serious difficulties in finding a satisfactory method of sharing the financial burdens of rearmament. On the other hand, the OEEC was facing the fact that future economic planning for Europe could not be conducted without making allowances for the impact of military budgets and industrial mobilization. Raw material shortages were also becoming apparent and seemed certain to become more serious.

For several months in 1950, active consideration was given to various plans for a merger of NATO and OEEC. The outcome was general agreement that the separate identity of the two organizations should be maintained for the time being, and perhaps indefinitely. The interests of Sweden and Switzerland as neutrals and as members of OEEC were of special importance in reaching that conclusion. But a working agreement was also reached among the countries that are members both of NATO and OEEC by which the economic work of the two organizations will be coordinated, and will be carried on by the same staff groups so far as the national representatives are concerned. Ways and means are also being found whereby the work of the OEEC staff on problems of defense economics will be available to NATO. A considerable amount of NATO work was begun in Paris. The many factors favoring a transfer of NATO civilian headquarters from London to Paris became obvious, while the political difficulties in the way of such a shift remained great.

In Washington, so long as the ECA was devoting most of its attention to a civilian recovery program in Western Europe, it was willing to play a relatively passive role in the military assistance program, leaving the major administrative responsibilities to the Departments of State and of Defense. In the fall of 1950, however, it became evident that the civilian recovery program in Europe was reaching its terminal phases in many respects, and that in the future the ECA, if continued, would be concerned chiefly with economic support for a program of military aid. This shift in emphasis seemed to require much closer integration of ECA with the Departments of State and of Defense.

There was also a series of questions regarding the future role and internal organization of the Department of State. There was no one spot in the Department of State where NATO and MDAP came together, below the Under Secretary. Moreover, the top position in the military assistance program had been vacant for many months and there appeared to be difficulty in finding a satisfactory candidate who was willing to accept the post. In spite of these difficulties, however, the Department of State had been able to achieve a fair degree of leadership in the military assistance program, largely because of the persistent efforts of the Acting Director, John Ohly, and of his immediate associates. They had succeeded in working out relatively satisfactory relations with the Department of Defense and they had established working relations with the Bureau of European Affairs, which had charge of NATO affairs in the Department of State.

The whole situation became more acute when the North Atlantic Council began considering at its September meeting the organization of a unified NATO military command. It shortly became evident that General Dwight Eisenhower would eventually be named Supreme Commander of NATO forces, and that a Supreme Headquarters Allied Powers Europe (SHAPE) would be established. These anticipated steps made even more imperative a strengthening of the civilian side of NATO.

Reorganization of NATO and of the MDAP structure in Washington have gone hand in hand, although formal changes in United States government organization have tended to precede the formalizing of changes on the civilian side of NATO. In the case of NATO, the Council made a number of important changes in the administrative organization. In Washington a presidential directive of December, 1950, followed by a letter to agency heads in April, has brought about other changes intended to provide means by which North Atlantic Treaty matters will be coordinated more fully with the economic and military assistance programs. (The converse is also true.) This projected coordination has involved changes both within the major departments concerned and in the interdepartmental organization. The new post of Director for International Security Affairs was created in the Department of State, and Thomas Dudley Cabot was appointed to fill it. He is responsible for the general direction and coordination of all activities within the Department of State relating to the North Atlantic Treaty and for similar regional and bilateral arrangements concerned with collective defense, for the military assistance program and for economic programs designed to support military assistance programs. As to all these matters, it is provided that he shall represent and speak for the Department of State.[18]

The decision to create this position was a very significant one. It has united NATO and MDAP affairs within the Department of State and thus has removed one serious criticism of the previous organization, even though it has apparently been necessary, in order to achieve this unity, to cut across the basic geographic and functional organization of the Department of State.

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[18] *Department of State Bulletin*, Vol. 24, no. 603, pp. 155–156 (Jan. 22, 1951).

A similar reorganization took place within the Department of Defense. Major General James H. Burns became Assistant to the Secretary for International Security Affairs, with responsibilities and authority in that department similar to those Cabot was given in the Department of State. The ECA and the Treasury also have each designated officials with similar authority.

A new interdepartmental committee on International Security Affairs (ISAC) has been created, with Cabot as chairman, to replace the FMACC. Major General Burns represents the Department of Defense on this committee. In addition, the committee also includes representatives of the Secretary of the Treasury, the ECA Administrator, and the Special Assistant to the President, Mr. Harriman. It has been charged with review and coordination of policy and program between the departments. The Department of Defense has primary responsibilities for determining the military character of international programs, and the ECA for developing plans for economic assistance required to support an adequate defense effort abroad, as well as for executing approved programs regarding additional military production abroad.

The reorganization that has occurred and is still in progress on the civilian side of NATO is evidently substantial, but it is difficult to summarize because many of the steps have not been formalized as yet. (I. e., fully prepared, official documents on the matter have been made public only to a very limited extent.) In December, 1950, the formation of a Defense Production Board was announced with the statement that it would have greater powers than the Military Production and Supply Board, which it superseded.[19] William Batt, chief of the ECA mission in the United Kingdom, was designated to represent the United States on the new board and became chairman of it. A month later, a United States citizen, William Herod, president of the International General Electric Company, was named to be the International Coordinator of North Atlantic Defense Production by the Council of Deputies on the recommendation of the Defense Production Board. It was stated that Herod would head "the unified international staff which is charged with coordinating and expediting the programmes and policies recommended by the Defense Production Board."[20]

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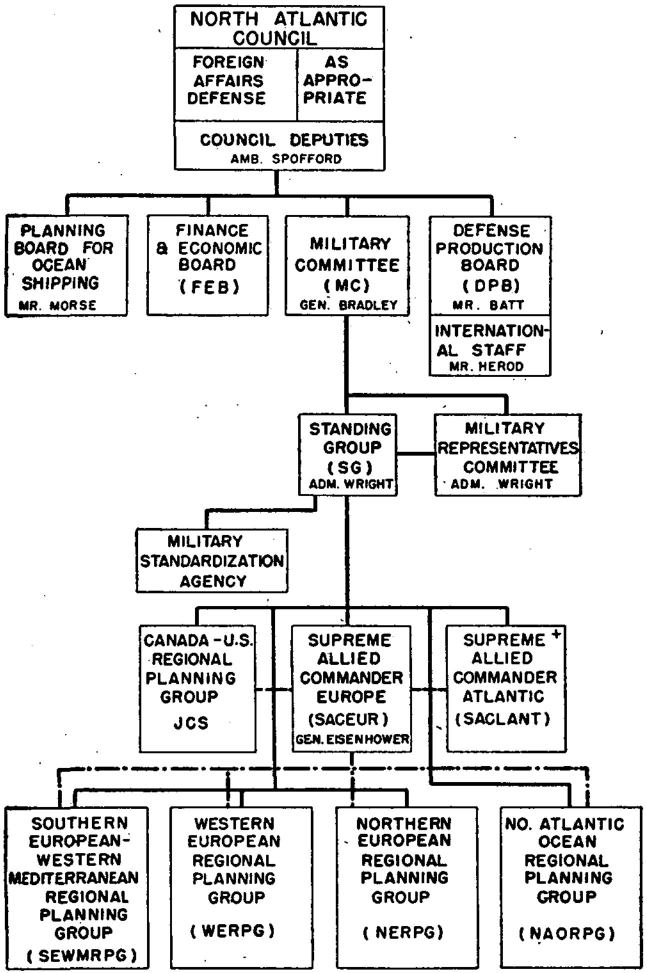
[19] *Current Developments in United States Foreign Policy*, Vol. 3, pp. 18–19 (The Brookings Institution; Dec., 1950).

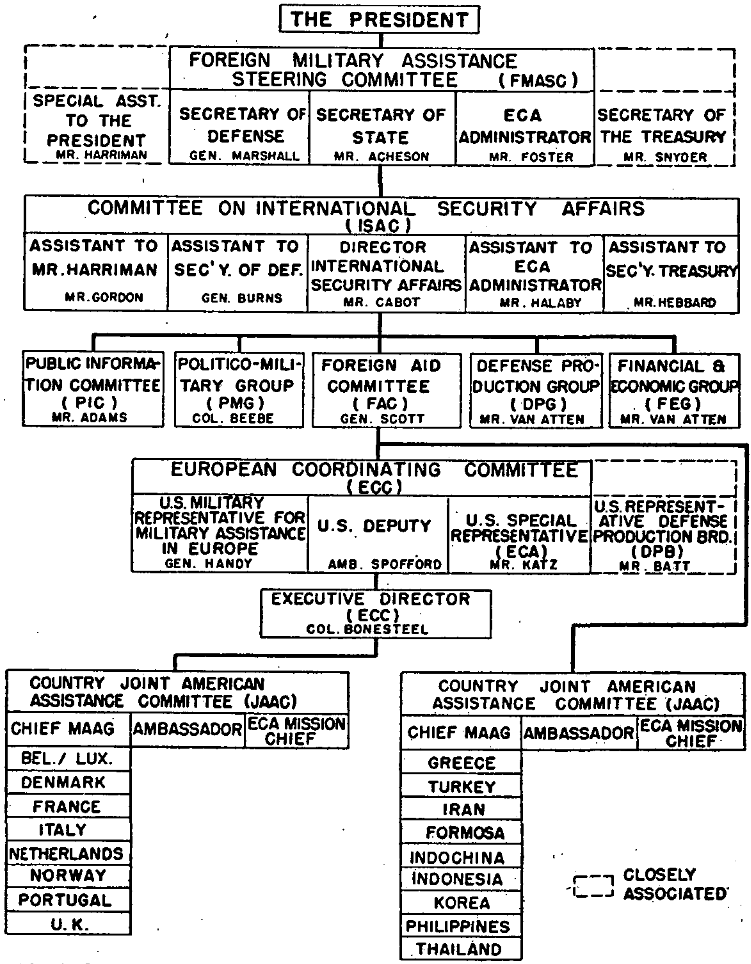
[20] *Ibid.*, Vol. 4, p. 20 (Jan., 1951).

NORTH ATLANTIC TREATY ORGANIZATION


NORTH ATLANTIC COUNCIL
FOREIGN AFFAIRS DEFENSE
AS APPROPRIATE
COUNCIL DEPUTIES
AMB. SPOFFORD
PLANNING BOARD FOR OCEAN SHIPPING
MR. MORSE
FINANCE & ECONOMIC BOARD (FEB)
MILITARY COMMITTEE (MC)
GEN. BRADLEY
DEFENSE PRODUCTION BOARD (DPB)
MR. BATT
INTERNATIONAL STAFF
MR. HEROD
STANDING GROUP (SG)
ADM. WRIGHT
MILITARY REPRESENTATIVES COMMITTEE
ADM. WRIGHT
MILITARY STANDARDIZATION AGENCY
CANADA-U.S. REGIONAL PLANNING GROUP
JCS
SUPREME ALLIED COMMANDER EUROPE (SACEUR)
GEN. EISENHOWER
SUPREME + ALLIED COMMANDER ATLANTIC (SACLANT)
SOUTHERN EUROPEAN-WESTERN MEDITERRANEAN REGIONAL PLANNING GROUP (SEWMRPG)
WESTERN EUROPEAN REGIONAL PLANNING GROUP (WERPG)
NORTHERN EUROPEAN REGIONAL PLANNING GROUP (NERPG)
NO. ATLANTIC OCEAN REGIONAL PLANNING GROUP (NAORPG)

+ NOT YET CONFIRMED
—·— GUIDANCE

MUTUAL SECURITY PROGRAM


THE PRESIDENT
FOREIGN MILITARY ASSISTANCE STEERING COMMITTEE (FMASC)
SPECIAL ASST. TO THE PRESIDENT
MR. HARRIMAN
SECRETARY OF DEFENSE
GEN. MARSHALL
SECRETARY OF STATE
MR. ACHESON
ECA ADMINISTRATOR
MR. FOSTER
SECRETARY OF THE TREASURY
MR. SNYDER
COMMITTEE ON INTERNATIONAL SECURITY AFFAIRS (ISAC)
ASSISTANT TO MR. HARRIMAN
MR. GORDON
ASSISTANT TO SEC'Y. OF DEF.
GEN. BURNS
DIRECTOR INTERNATIONAL SECURITY AFFAIRS
MR. CABOT
ASSISTANT TO ECA ADMINISTRATOR
MR. HALABY
ASSISTANT TO SEC'Y. TREASURY
MR. HEBBARD
PUBLIC INFORMATION COMMITTEE (PIC)
MR. ADAMS
POLITICO-MILITARY GROUP (PMG)
COL. BEEBE
FOREIGN AID COMMITTEE (FAC)
GEN. SCOTT
DEFENSE PRODUCTION GROUP (DPG)
MR. VAN ATTEN
FINANCIAL & ECONOMIC GROUP (FEG)
MR. VAN ATTEN
EUROPEAN COORDINATING COMMITTEE (ECC)
U.S. MILITARY REPRESENTATIVE FOR MILITARY ASSISTANCE IN EUROPE
GEN. HANDY
U.S. DEPUTY
AMB. SPOFFORD
U.S. SPECIAL REPRESENTATIVE (ECA)
MR. KATZ
U.S. REPRESENTATIVE DEFENSE PRODUCTION BRD. (DPB)
MR. BATT
EXECUTIVE DIRECTOR (ECC)
COL. BONESTEEL
COUNTRY JOINT AMERICAN ASSISTANCE COMMITTEE (JAAC)
CHIEF MAAG
AMBASSADOR
ECA MISSION CHIEF
BEL./ LUX.
DENMARK
FRANCE
ITALY
NETHERLANDS
NORWAY
PORTUGAL
U. K.
COUNTRY JOINT AMERICAN ASSISTANCE COMMITTEE (JAAC)
CHIEF MAAG
AMBASSADOR
ECA MISSION CHIEF
GREECE
TURKEY
IRAN
FORMOSA
INDOCHINA
INDONESIA
KOREA
PHILIPPINES
THAILAND
CLOSELY ASSOCIATED

Early in May, Chairman Spofford of the Council of Deputies announced in London that a further major reorganization had gone into effect with the merger of the Defense Committee and the Financial and Economic Committee into the Council. Hereafter, the Council will remain as the only body on which governments will be represented at the ministerial level. Governments will designate their representatives in accordance with the business to be transacted, and may on occasion be represented either by their foreign, defense, or finance ministers. Between meetings of the full Council, the Deputies will continue to meet in London, usually twice weekly.

A Finance and Economic Board has also been formed, which will be under the Deputies and will be coordinate with the Defense Production Board. Unlike the latter, which will remain in London, the Finance and Economic Board will be located in Paris, where it will work closely with OEEC.[21]

The chart facing this page, based on information obtained informally from official sources, indicates the organizational structure of the North Atlantic Treaty Organization as it now stands, together with the committee structure in the United States Government for the newly named Mutual Security Program. As will be apparent, there is some degree of parallelism between the two structures and many of the United States officials concerned serve in both a national and an international capacity. Further charts of the organizational structure within the Executive Office of the President, the Departments of State and of Defense, and the Economic Cooperation Administration could be added, but to assemble all of these in a single diagram would require more than three dimensions.

With these changes, the way is open for a more effective organization of the mobilization effort of Western Europe. It will accordingly be possible to plan the future Mutual Security Program of the United States more satisfactorily on the basis of integrated international planning of defense production abroad. At the same time, the Eisenhower appointment and the rapid evolution of the military command side of the pattern appear to be furnishing the basis for strategic planning of a much more adequate sort than formerly, thus providing the broad framework within which military assistance should proceed.

V. DEPARTMENT OF STATE RESPONSIBILITIES FOR PROGRAM COORDINATION

The administrative arrangements for the Mutual Defense Assistance Program have been remarkably different from those for the European

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[21] "West Pact Sets Up a Supreme Council," *New York Times,* May 4, 1951.

Recovery Program. In the latter case, the Congress refused to consider seriously any arrangement by which the Department of State would have had the major administrative responsibility, even though the Marshall Plan had been put before the country initially by Secretary of State Marshall and the preparatory work had centered in the Department of State before legislation was enacted. In the case of the Mutual Defense Assistance Program, the initial legislation was prepared jointly by the Departments of State and of Defense; and in planning before the legislation was enacted, it was agreed interdepartmentally, and Congress was so informed, that the principal administrative responsibility was to be placed in the Department of State, although the Department of Defense would carry on most of the actual operations. Congress passed the legislation and appropriated the money without objection to those administrative plans.

Although it started as a billion dollar program, there was a period nonetheless when MDAP seemed small by comparison with ERP. That impression vanished with the $4 billion supplemental appropriation of last year; yet again no objection was made in Congress to the existing distribution of responsibilities by which the Department of State had the lead role for MDAP.

The present period is one of transition in both programs. As of this writing, it appears that the proposals soon to be submitted to Congress for the coming fiscal year will include only a remnant of the European Recovery Program for its fourth and final year, a remnant probably limited to a few countries at most. So far as funds for economic aid generally are concerned, the bulk of the request will undoubtedly be for what is called "economic assistance in support of military assistance." The funds for direct military aid in the form of finished military equipment will presumably be the largest part of all. The entire request for military and economic aid will probably go to Congress as a single package in the hope of securing most of the funds in a form giving the President broad discretion over their expenditure.

Under such circumstances, the programs and activities of the Economic Cooperation Administration tend to lose their separate identity, and the future of the agency becomes speculative. Various authorities have suggested that it be replaced by a new foreign economic agency, designed specifically to conduct the foreign economic programs of the defense emergency. The present view of the Administration is that the ECA should be continued as a separate agency and be adapted to present requirements.

The President also intends, however, that the ECA be brought into a much closer working relationship with the Department of State at home and abroad, as indicated by the Presidential directive from which extensive excerpts were quoted in the *New York Times* and other newspapers on April 18, 1951. The general tenor of the proposed arrangements would place the ECA in much the same relationship to the Department of State with regard to economic aid that the Department of Defense has with regard to military aid. The general responsibility for program coordination, including authority for some shifting of funds between military aid and economic aid, would be vested in the Department of State.

In the brief interval since the President's directive became available to the press without benefit of official release, there have been indications that a significant political controversy may result. The controversy presumably will come to its climax in connection with the enactment of amendments, this spring or summer, to the various statutes authorizing military and economic aid. Readers of this article will have the benefit of developments meanwhile that can only dimly be foreseen at present, but it seems safe to assume that the burden of the argument will concentrate on the propriety of vesting coordinative functions in the Department of State for a combined program estimated, according to the President's budget message last January, at $10.7 billion of new obligational authority and over $7 billion in actual expenditures for the fiscal year ending June 30, 1952.

The President's directive, as quoted in the *New York Times*, is clear and direct concerning the principles he considered the basis for his action:

> It is essential that all our overseas programs be fully coordinated with each other in support of our primary foreign policy objective, namely, preservation and strengthening of the free nations of the world.
>
> The Secretary of State, under my direction, is the Cabinet officer responsible for the formulation of foreign policy and the conduct of foreign relations, and will provide leadership and coordination among the executive agencies in carrying out foreign policies and programs.

In setting out specifically the responsibilities of the Department of State, the President further emphasized the need for "arrangements to insure maximum coordination of programs at the departmental level."

Two major questions arise in connection with the President's plan to vest these major responsibilities in the Department of State. The first is the practical question as to whether it can in fact execute the assignment under present conditions. The second is that of whether it is right in principle that such a task should be assigned to the Department of State.

No conclusive answer to the first question can be obtained except in the event, but it can be said nonetheless that the Department of State is better equipped to carry out the assignment than was the case six months ago. As late as November, 1950, the situation within the Department in Washington, both in its interdepartmental relations and in the regional centers abroad, was one of great confusion as to administrative arrangements for North Atlantic Treaty affairs and for military and economic aid administration. The decisions meanwhile have settled many jurisdictional questions, and the new administrative arrangements are beginning to have their effect, although much remains to be done.

On the question of principle, no simple answer is possible, in part because the task in question goes beyond the kind of "leadership and coordination" that at some minimum level is generally agreed to be inherent in the Department of State for matters of foreign affairs. If the existing relationship of the Department to NATO affairs and mutual defense assistance is the prototype, the task that the President has in mind for the future comes closer to being actual program administration than merely coordination in the general sense. Moreover, it is program administration with full utilization of the facilities of two other executive agencies, the Department of Defense and the Economic Cooperation Administration.

There is much to be said for giving primacy to the Department of State in the substantive and negotiating aspects of the future program of military and economic aid. The need for a greater unification of existing programs in support of the general goal of strengthening the free world is obvious. The most effective use of the available resources will clearly require careful and unified programming of economic as well as military aid. It would seem appropriate for program objectives to be defined in detail under the leadership of the Department of State as the general foreign affairs agency of the government.

Relations with other governments are a central feature of the entire activity, and one of extraordinary complexity and delicacy, as is indicated by the nature of the negotiations with the French Government in the fall of 1950 on the financing of the anticipated deficit in their military budget. Under present conditions, unlike the cheerful duty of giving away Marshall Plan aid, the major part of the task seems to be one of persuading our existing and potential allies to do many things they would rather not have to do. In many cases, we are asking them to recognize the existence of substantial risks that they might wish to avoid, and we are asking them to make a heavy and unpopular effort in which their burdens, relatively, will be no less than our own.

On the other hand, the managerial and operating parts of the task involve many activities for which the Department of Defense and the Economic Cooperation Administration must assume direct responsibility. Neither agency will gladly accept detailed administrative supervision from the Department of State. The arrangements represented by the International Security Affairs Committee contemplate a partnership in which each agency has full freedom to speak for its own requirements. It can be only on this basis that the arrangement is likely to proceed with any degree of real success.

The President's directive recognizes the possibility that coordination at the departmental level may not be fully effective and that questions may arise as to whether the Department of State is allowing sufficient flexibility to the other agencies in carrying out their respective responsibilities. If issues arise which cannot be settled by agreement among the agencies, they are to be presented to the President through the Bureau of the Budget.

This arrangement appears to be a recognition of a significant aspect of the relationships of the Department of State to the other agencies involved in the joint operation of a complex, large-scale foreign program. In effect, the Department of State is recognized as having leadership in the substantive aspects of the program, but a clear channel of appeal is provided to deal with an entirely different kind of case, namely, that in which the matter is primarily one of agency assignments and jurisdiction. The one aspect of program administration for which the Department of State obviously can not be given a completely free hand is that of determining its own jurisdiction in relation to that of the other agencies. This is a task for the President, and he evidently intends to utilize the Bureau of the Budget as his management analysis staff for assistance in the matter.

The entire international situation in which the Department of State is presently trying to function is remarkable in so many ways that it is difficult to find historical analogies or parallels of any value. The administrative complexities of the present extensive relationships, civil and military, between the major members of the North Atlantic coalition can only be compared to the situation as it existed during the First and Second World Wars, yet there are major differences. In both of those wars, the heads of governments of the major powers dealt directly and constantly with each other and there was a complex apparatus of combined boards and other direct-action machinery in which various agencies of government dealt with their opposite numbers in other governments. Under the circumstances, the diplomatic agencies, not only of this government but also of others, did not seem to be occupying the central place, even though intergovernmental relations were the essence of wartime operations.

Under present circumstances, however, diplomacy among allies may be far more vital than in time of actual general war. That appears to be the nub of the matter—and the basis for giving the Department of State the extraordinary position and powers that it holds today. At the same time, the Executive Branch as a whole must be directed from the White House, and not from the Department of State. A delicate balance must be maintained between the coordinative work and leadership functions assigned to the Department of State, on the one hand, and those retained by the President and his immediate staff agencies of the Executive Office of the President. Such a balance appears to be emerging from the administrative debates and adjustments of recent months.

The possibility remains that this balance may be upset by some positive congressional intervention in the future. The possibility also exists that one administrative agency or another may not be able fully to come up to the level of truly immense responsibilities. But those parts of the Executive Branch that are concerned with foreign affairs and overseas operations are on the whole making progress in the adjustment of their relations with each other and with other governments.

Many problems, nevertheless, remain, and their magnitude should not be underestimated. All of the arrangements for the interdepartmental coordination of foreign policy, military policy, and economic policy must be regarded as somewhat fluid. There will doubtless be a further evolution within the next year or two. Some reconstruction of Executive Office machinery around the National Security Council may be one of the most promising alternative directions along which the evolution can proceed.

On the international side of the problem, there is some reason for optimism in the recent structural changes within the North Atlantic Treaty Organization, but again much remains to be done. Many of the problems grow out of the difficulties of operating an international industrial mobilization—the first, involving all of Western Europe, ever attempted. There is also the question of civilian-military relations on the international level. These relationships have never been attempted before on anything like their present scale, except during actual hostilities.

The press indicates that General Eisenhower is discovering that a situation of non-belligerency can have problems almost as harassing as those of war. In view of the complexities of the situation, this should not be surprising. It points up the fact that while great efforts of all kinds may be required to surmount the present crisis, in times such as these the arts of political leadership and of competent administration are at a premium. This seems certain to be the case as long as the emergency continues.[22]

[22] The manuscript of the present article was completed in late April, 1951. In clearing galley proofs in mid-May, the information on NATO reorganization referred to by footnote 21 was added; more complete details have now become available in *Department of State Bulletin*, Vol. 24, no. 620, pp. 810–12 (May 21, 1951).

On May 24, 1951, President Truman sent to Congress his long-awaited message on military and economic aid for the fiscal year 1952. As anticipated, the proposal is for a consolidation of the Mutual Defense Assistance Program, the European Recovery Program, the Technical Cooperation Program (Point IV), and other economic aid, together with a considerable shifting of emphasis. The new program is called the Mutual Security Program, and this usage has been inserted in the present text in connection with the chart at page 340, although further redrafting was not possible in page proofs corrected for the printer on June 6, 1951.

The President's message is extremely brief in dealing with administrative plans. In some quarters it has been interpreted as a retreat from the intention to assign major coordinative responsibilities for the program as a whole to the Department of State. The extent to which this may prove to be the case is not yet clear, but existing arrangements are presented by the message in a way which tends to minimize the role of the Department of State.

These administrative questions are dealt with extensively in a Brookings Institution report, "The Administration of Foreign Affairs and Overseas Operations," completed for the Bureau of the Budget under the date of June 1, 1951. Although it appears probable that this report will be published by the Bureau, a decision has not been made by June 6.

CENTRAL ISSUES OF AMERICAN ADMINISTRATIVE LAW

NATHANIEL L. NATHANSON
Northwestern University

During the last decade the principal issues of American administrative law have been presented within a framework largely dominated by the recruitment and administration of a military establishment far beyond our normal peacetime complement, by the application of emergency economic controls to that part of our civilian economy normally left to the freedom of the market place, and by the development of security techniques designed to guard against real or fancied dangers of espionage, sabotage and divided loyalties. In such an atmosphere, it is not surprising that many of the burning issues of the thirties which aroused leaders of the American Bar Association to storm the citadels of bureaucratic power have seemed to pale into relative insignificance beside the sweep of discretionary authority exercised in the name of national emergency. A society which had scarcely freed itself from the controls born of the Second World War before the threatening clouds brought a re-emergence of the familiar pattern of selective service, priorities and allocation, price regulations and wage orders, could derive small comfort from the niceties of the Administrative Procedure Act[1] as bulwarks for the defense of ancient liberties. Nevertheless, emergency controls account for only a part of the machinery of government, and it is still our hopeful assumption that they are temporary phenomena. Consequently, there may be some value in noting the way in which the turbulent administrative law issues of the thirties have developed into a more or less peaceful maturity, before turning to the fundamental clashes between claims of individual right and governmental necessity arising in the wake of economic and military mobilization.

I. THE ADMINISTRATIVE PROCEDURE ACT

A. *Separation of Functions.* Among the storm centers of the thirties was the controversy over the combination of so-called prosecutory and adjudicatory functions embodied in several federal administrative agencies. Sometimes the rather far-fetched argument was made that this combination was inherently inconsistent with the principles of separation of powers emanating from the Constitution itself.[2] More worthy of serious consideration was the argument that responsibility for the conduct of preliminary investigations and the issuance of complaints with respect to alleged violations militated against unbiased adjudication of the resulting proceedings. The most enlightened differences of opinion with respect to this problem were fairly reflected in the majority and minority views of the Attorney General's Committee on Administrative Procedure.[3] The majority concluded that the dangers of biased adjudication could largely be obviated by careful internal separation of prosecutory and adjudicatory functions at the staff level, including a larger delegation of responsibility for issuance of complaints to prosecutory officials, subject only to general policy supervision by the agency heads.[4] The majority also expressed concern that more complete divorcement of responsibility for the initiation of proceedings from responsibility for the final disposition might result in conflicts of policy which would cost more in confusion, uncertainty, and unnecessary harassment than could be justified by any gains that might be achieved through greater impartiality in adjudication. The minority, on the other hand, while agreeing that not all agencies could be profitably separated into their component parts, urged that where the adjudicatory functions involved primarily the determination of disputed issues between investigatory and prosecutory agents of the government, on the one hand, and private parties, on the other, "complete separation, with adjudication by independent agencies, is normally to be preferred."[5] Despite this difference of opinion, the entire Committee agreed in recommending such internal separation as would result from the institution of a relatively independent core of hearing officers or examiners, under the supervision of an Office of Federal Administrative Procedure and charged with primary responsibility for the initial stages of administrative adjudication.[6]

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[1] *Public Law* 404, 79th Cong., 2nd sess. (1946); 5 U.S.C.A. §1001–1011 (1950). For background and general comments, see Ray A. Brown, "The Federal 'Administrative Procedure Act,'" *Wisconsin Law Review,* Vol. 1947, pp. 66–87 (Jan.); Nathaniel L. Nathanson, "Some Comments on the Administrative Procedure Act," *Illinois Law Review,* Vol. 41, pp. 368–422 (Sept.–Oct., 1946); and George Warren (ed.), *The Federal Administrative Procedure Act and the Administrative Agencies* (New York, 1947).

[2] See "Report of the Special Committee on Administrative Law," *American Bar Association Reports,* Vol. 61, pp. 720–727 (1936).

These recommendations, coupled with certain additional suggestions of the minority for statutory prohibitions against any off-the-record or behind-the-scenes collaboration by the prosecutory and adjudicatory staff personnel,[7] were substantially embodied in the Administrative Procedure Act, although the Civil Service Commission rather than a new Office of Administrative Procedure was charged with responsibility for supervision of hearing officer, or "examiner," personnel.[8] The Civil Service Commission's first attempt to discharge this responsibility, through the device of a Board of Examiners recruited primarily from leaders of the American Bar, resulted in a series of upsets, recriminations and reversals which not even the most generous observer could find encouraging.[9] This unedifying experience may demonstrate the inherent unsoundness of reposing in the Civil Service Commission final authority for the selection, retention and promotion of hearing officers, or may testify only to the lack of wisdom displayed by the Commission in the particular method which it first chose for the discharge of its responsibilities. But whatever may be the ultimate solution for this problem of personnel administration, the institution of the hearing officer as the pivotal figure in a system of internal separation of adjudicatory from investigatory and prosecutory functions seems relatively assured.

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[3] *Administrative Procedure in Government Agencies; Final Report of Attorney General's Committee on Administrative Procedure*, S. Doc. 8, 77th Cong., 1st sess.; hereafter cited as *Report*. For general comments, see Louis L. Jaffee, "The Report of the Attorney General's Committee on Administrative Procedure," *University of Chicago Law Review*, Vol. 8, pp. 401–440 (Apr., 1941); Felix Frankfurter, A. H. Feller, John Foster Dulles and J. Forrester Davison, Symposium on the *Report*, *Columbia Law Review*, Vol. 41, pp. 585–645 (Apr., 1941); and Nathanson, "Separation of Functions Within Federal Administrative Agencies," *Illinois Law Review*, Vol. 35, pp. 901–937 (Apr., 1941).

[4] *Report*, pp. 55–60.

[5] *Ibid.*, pp. 203–209.

[6] *Ibid.*, pp. 45–55.

[7] See particularly Section 5(c) of the Act entitled "Separation of Functions." The fullest discussion of the problems involved in application of this provision is to be found in Kenneth Culp Davis, "Separation of Functions in Administrative Agencies," *Harvard Law Review*, Vol. 61, pp. 389–418, 612–655 (Feb., Mar., 1948).

The impact of the provisions of the Administrative Procedure Act regarding hearing officers and separation of functions was emphasized by the decision of the Supreme Court last term in the case of *Wong Yang Sung v. McGrath*,[10] holding that deportation proceedings must be conducted in accordance with the requirements of the Act. Mr. Justice Jackson, on behalf of the Court, after elaborating on the evils of the combination of prosecutory and adjudicatory functions embodied in the office of the immigration inspector, said:

> The Administrative Procedure Act did not go so far as to require a complete separation of investigating and prosecuting functions from adjudicating functions. But that the safeguards it did set up were intended to ameliorate the evils from the commingling of functions as exemplified here is beyond doubt. And this commingling, if objectionable anywhere, would seem to be particularly so in the deportation proceeding, where we frequently meet with a voteless class of litigants who not only lack the influence of citizens, but who are strangers to the laws and customs in which they find themselves involved and who often do not even understand the tongue in which they are accused. Nothing in the nature of the parties or proceedings suggests that we should strain to exempt deportation proceedings from reforms in administrative procedure applicable generally to federal agencies.[11]

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[8] The Administrative Procedure Act did not make entirely clear just what the role of the Civil Service Commission was to be with respect to the selection of examiners. Section 11 provides only as follows: "Subject to the civil-service and other laws to the extent not inconsistent with this Act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8. . . . " The statute was more explicit with respect to removal, stating that "Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission . . . after opportunity for hearing and upon the record thereof."

[9] The large number of incumbent examiners disqualified by the Board of Examiners brought forth a storm of protest, including charges of bias from some of the agencies concerned. After threat of Senate investigation had developed, the Commission reviewed and set aside, in large part, the recommendations of the Board of Examiners, the members of which resigned in protest. The story is fully told and the implications are explored by Ralph F. Fuchs, in "The Hearing Examiner Fiasco under the Administrative Procedure Act," *Harvard Law Review*, Vol. 63, pp. 737–768 (Mar., 1950), and by Thomas Morgan in "The Selection of Federal Hearing Examiners; Pressure Groups and the Administrative Process," *Yale Law Journal*, Vol. 59, pp. 431–475 (Feb., 1950).

[10] 339 U. S. 33 (1950). [11] *Ibid.* at p. 46.

The considerations which Mr. Justice Jackson found so persuasive apparently were not as impressive to Congress, for the effect of the *Wong Yang Sung* decision on immigration proceedings was almost immediately nullified by legislation;[12] but the significance of the holding transcended the particular instance involved because it proceeded upon the ground that Section 5 of the Administrative Procedure Act applies whenever a hearing is required in the course of administrative adjudication, irrespective of whether that requirement is derived from explicit statutory provision or, as in the case of deportation proceedings, by implication from the due process clause of the Federal Constitution.[13]

The compromise with respect to separation of functions embodied in the Administrative Procedure Act was not, however, the only solution attempted for that problem. The more drastic approach advocated by the minority of the Attorney General's Committee was closely approximated in the Taft-Hartley amendments to the National-Labor Relations Act, vesting in the General Counsel independent authority for the issuance and prosecution before the Board of complaints with respect to unfair labor practices. In operation this arrangement has had its own fair share of vicissitudes. Certain fundamental disagreements between the General Counsel and the Board regarding general policy questions soon made newspaper headlines and bid fair to vindicate the concern expressed by the majority of the Attorney General's Committee that such a separation might cost more in the way of confusion and uncertainty than it gained by way of impartiality.[14]

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[12] *Public Law* 843, 81st Cong., 2nd sess. (1950), a Supplemental Appropriations Act, provides, in Ch. 3, the following: "Proceedings under laws relating to the exclusion or expulsion of aliens shall hereafter be without regard to the provisions of Sections 5, 7 and 8 of the Administrative Procedure Act." The immigration and naturalization service, did, however, pay some respect to the views expressed in Mr. Justice Jackson's opinion by providing in its rules that no person should serve as a hearing officer in a case with respect to which he had performed investigative or other enforcement functions (15 *Fed. Reg.*, p. 7637 [Nov. 10, 1950]).

[13] This question of interpretation of Section 5 of the Administrative Procedure Act turned upon the provision making its requirements applicable to "every case of adjudication required by statute to be determined on the record after opportunity for agency hearing. . . . " The government contended that this did not include deportation proceedings because there was no express requirement of hearing in the statute authorizing deportation, although it conceded that a hearing was required as a matter of constitutional right. Mr. Justice Jackson answered this argument as follows: "But the difficulty with any argument premised on the proposition that the deportation statute does not require a hearing is that, without such a hearing, there would be no constitutional authority for deportation. The constitutional requirement of procedural due process of law derives from the same source as Congress's power to legislate, and, where applicable, permeates every valid enactment of that body" (339 U. S. at p. 49). The applicability of Section 5 of the Administrative Procedure Act in turn makes Sections 7 and 8 applicable to the same proceedings, because of the provision of Section 5(b) to that effect. Cf. *Riss & Co. v. United States*, 71 S. Ct. 620 (1951).

It was also argued that deportation proceedings were exempted by virtue of the provision of Section 7(a) of the Administrative Procedure Act which provides that "nothing in this Act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute." The argument was that immigration inspectors were "other officers specially provided for by or designated pursuant to" Section 16 of the Immigration Act (39 *Stat.* 874, 885 [1917]; as amended, 8 U.S.C.A. [1942] §152). Mr. Justice Reed placed his dissent on this ground (339 U. S. at pp. 53–55).

The problem might seem at first glance to have been a suitable one for full exploration by the Hoover Commission; but the Commission's Report avoided any specific commitment with respect to it, although the *Task Force Report on the Regulatory Commissions* did take particular note of the unsatisfactory situation which had developed between the Labor Board and the General Counsel and discussed various possible solutions, without adopting a definite position with respect to any of them.[15] Nevertheless, when President Truman's Reorganization Plan No. 12,[16] transferring the office of the General Counsel back under the general supervision of the Board, was considered by the Senate it was defended partly on the ground that it was in accord with the recommendations made by the Hoover Commission regarding the independent commissions in general.[17] This tactic succeeded only in eliciting from some members of the Commission, including its chairman, statements to the effect that the Commission had not intended to make any recommendation concerning the situation between the General Counsel's office and the Board;[18] and the result of the Senate debate was disapproval of the plan.[19] In the meanwhile, change of personnel of the General Counsel's office and a working agreement between that office and the Board has cleared up, for the time being at least, any evidences of substantial friction;[20] and this particular experiment in separation of functions seems destined to continue until there is general reconsideration of the Taft-Hartley amendments to the Wagner Act.[21]

B. *Fair Procedure and Rules of Evidence.* Another point of difference among the members of the Attorney General's Committee on Administrative Procedure concerned the desirability of establishing by legislation certain minimum standards of fair procedure for all federal agencies. The majority were apparently of the opinion that procedural problems varied too much from agency to agency for such a procedural code to be practicable.[22] The minority argued that the answer was "to identify the few basic considerations and express them in legislative statements of policy, of principles, or of standards for guidance of administrators, subject always to reasonable variation to meet varying needs."[23] Even though such provisions might do little more than restate the general principles developed by the judiciary in reviewing administrative proceedings, it was suggested that they would have a beneficial effect because "Administrative agencies are peculiarly sensitive to procedural and substantive provisions of statutes, however general their terms—far more than to statements of courts."[24]

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[14] The history of the conflict is set forth in the "Minority Views" of members of the Committee on Expenditures in the Executive Departments stated in S. Rept. 1516, to accompany S. Res. 248 [which rejected Reorganization Plan No. 12 of 1950 for Reorganization of the National Labor Relations Board], 81st Cong. 2nd sess., pp. 24–27; and in the remarks of Senator Humphrey in the Senate debate on Reorganization Plan No. 12, *Congressional Record*, 81st Cong., 2nd sess., Vol. 96, pp. 6798–6811 (May 10, 1950).

[15] *Task Force Report on Regulatory Commissions* (Washington, 1949), pp. 139–141. See also C. Herman Pritchett, "The Regulatory Commissions Revisited," AMERICAN POLITICAL SCIENCE REVIEW, Vol. 43, pp. 978–989 (Oct., 1949).

[16] H. Doc. 516, 81st. Cong., 2nd sess.

[17] See S. Rept. 1516, pp. 29–30 (Minority Views).

[18] *Ibid.*, p. 8.

[19] *Congressional Record*, 81st Cong., 2nd sess., Vol. 96, p. 6886 (May 11, 1950).

[20] See *New York Times*, Oct. 6, 1950, p. 18.

[21] On June 30, 1949, the Senate approved amendments to the Taft-Hartley Act which would have abolished the independent status of the General Counsel. But more recently Senator Taft has introduced a bill, S. 3339, 81st Cong., 2nd sess., which places prosecution under an Administrator even more independent than the General Counsel.

The approach suggested by the minority was adopted in the Administrative Procedure Act. A code of minimum standards of fair administrative procedure was prescribed, but for the most part little was added to the requirements of notice and hearing developed by the courts under the aegis of the due process clause. A good example of this is the provision regarding evidence, which reads in part as follows:

> Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence.[25]

The generality of this provision may be compared with the decision of the Supreme Court in *Bridges v. Wixon*,[26] in which the Court, in reviewing a deportation proceeding conducted before the Administrative Procedure Act became effective, seemed to apply a much stricter evidence rule than any suggested by the Act. The deportation order was set aside on the ground that in making the final decision the Attorney General had taken into consideration an unsworn statement which immigration officials testified to as having been given by one of the witnesses during the preliminary examination, although the same witness testified at the hearing and denied having made the statement. The admission and consideration of this evidence, which at common law is generally regarded as inadmissible hearsay, was said by the majority of the Court in a five-to-four decision to constitute a denial of due process. The dissenting opinion of Chief Justice Stone argued vigorously that it had never before been a principle approved by the Supreme Court that failure to follow common law rules of evidence, and particularly the hearsay rule, rendered an administrative hearing, deportation or otherwise, invalid as violative of due process. Perhaps a more persuasive ground for the decision, and one also advanced by the majority, was that the admission of the unsworn statement supposed to have been given in the preliminary investigation was a violation of the procedural regulations of the Immigration Service and that the failure of an agency to follow its own rules in an important particular is an indication of unfairness amounting to a violation of due process. On this point, too, there was considerable doubt, with the dissent contending that the majority misconstrued the regulations.[27] At any rate, it is apparent that to the resolution of such close questions in procedural due process, the Administrative Procedure Act makes little contribution.

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[22] The *Report* stated that "the Committee had been impressed in the course of its inquiries not only by the need for dissimilarities in administrative procedures . . . but also by the possibilities for greater uniformity in many subordinate particulars" (p. 123). Its suggestion was that the office of Administrative Procedure would aid in the development of uniform procedures in so far as that proved desirable.

[23] *Ibid.*, p. 214. [24] *Ibid.*, p. 215.

[25] Section 7(c), Administrative Procedure Act. The Labor Management Relations Act now has an apparently stricter provision requiring that unfair labor practice proceedings shall "so far as practicable be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure" (Section 10[b]). There may be some doubt as to whether this is really any stricter than the APA provision in the light of the development of the discretionary power of federal district judges with respect to the application of rules of evidence. See generally Davis, "Evidence Reform; The Administrative Process Leads the Way," *Minnesota Law Review*, Vol. 34, pp. 581–609 (June, 1950).

[26] 326 U. S. 135 (1945).

Closely related to the permissible use of hearsay evidence is the scope allowed cross-examination. Here again the Administrative Procedure Act contains a very general provision, which reads as follows:

> Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.[28]

Without mentioning this provision of the statute, which was probably not in effect at the time of the administrative proceeding, the Supreme Court in *Reilly v. Pinkus*[29] rendered an important ruling on the scope of cross-examination in postal fraud cases. The particular objection concerned the restriction of cross-examination of certain medical experts with respect to statements in medical text books other than those upon which they had relied in their direct testimony. Explaining this holding for a unanimous Court, Mr. Justice Black said:

> Moreover, the issues in postoffice fraud cases make such cross-examination peculiarly appropriate. Proof of fraudulent purposes is essential—an "actual intent to deceive." See *Seven Cases v. United States*, 239 U. S. 510, 517. Consequently fraud under the mail statutes

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[27] The opinion of the Court stated that the Attorney General conceded that the evidence was admitted in violation of the rules, but the dissent interpreted the Attorney General's opinion merely as refusing to rule upon the question on the ground that it was raised too late.

[28] Section 7(c).

[29] 338 U. S. 269 (1949). The language of the postal statute is not entirely clear as to whether a hearing in the conventional sense is required, since it provides that the Postmaster General may issue fraud orders "upon evidence satisfactory to him" (26 *Stat.* 466 [1890]; 39 U.S.C.A. §259 [1940]). As a matter of constitutional right, however, hearing is probably required. See *Pike v. Walker*, 121 F. 2d. 37 (App. D.C. 1941), cert. denied; 314 U. S. 625 (1941). And under the *Wong Yang Sung* case there is little doubt that Sections 5, 7 and 8 of the Administrative Procedure Act are applicable.

> is not established merely by proving that an incorrect statement was made. An intent to deceive might be inferred from the universality of scientific belief that advertising representations are wholly unsupportable; conversely, the likelihood of such an inference might be lessened should cross-examination cause a witness to admit that the scientific belief was less universal than he had first testified.[30]

Here again the procedural ruling is deeply enmeshed in the particulars of the subject matter and the generalities of the Administrative Procedure Act give little, if any, guidance. Nevertheless, the attitude of the Court in the *Reilly* case seems to reflect the same concern as that expressed in the statute, lest restriction of cross-examination be carried to the point of sacrificing the essence of fair hearing. The opinions in the *Reilly* and *Bridges* cases also indicate a particular sensitivity to this consideration when the administrative hearing is a prelude to the imposition of a sanction punitive in nature.[31]

Another element of fair hearing originally developed by the courts as one of the requirements of due process and now embodied in the legislative standards of the Administrative Procedure Act concerns adequate notice to the parties of the crucial issues involved. Insofar as the opening notice of a proceeding is concerned, the statute sets forth only very general requirements regarding time, place and nature of the hearing, legal authority and jurisdiction under which it is to be held, and matters of fact and law asserted.[32] But there are also more definite requirements regarding "recommended, initial or tentative" decisions, to be made in some instances by the hearing officer and in others by the agencies themselves, which provide assurance that the grounds of decision will not come as a surprise and that there will be adequate opportunity to take exception to, and argue fully against, proposed findings of fact or conclusions of law before the final decision is rendered.[33]

These provisions reflect the dissatisfaction of the Court, expressed in the second *Morgan* case,[34] with regard to a procedure which involved no intermediate report by the hearing officer and no proposed findings by the deciding authority against which objections could be focussed. To the extent that the provisions also require initial or recommended decisions by the hearing officer, they tend to emphasize the importance of that office and to decrease the anonymity or institutional character of the decision.[35] Their significance in this regard has been further increased by a recent decision of the Supreme Court holding that findings of fact made by a trial examiner in a Labor Board proceeding are to be given some weight by a reviewing court in determining whether there is substantial evidence to support the Board's findings.[36] The concept involved here is such a subtle one that it is dangerous to do more than repeat the language of Mr. Justice Frankfurter speaking for the Court on the point:

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[30] 338 U. S. at p. 276.

[31] The Administrative Procedure Act recognizes a distinction along somewhat similar lines in this provision of Section 7(c): "In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for submission of all or part of the evidence in written form."

[32] Section 5(a).

[33] Section 8(a) and (b).

[34] *Morgan v. United States*, 304 U. S. 1 (1937).

[35] In rule-making or initial licensing, the agency head or any of its responsible officers may issue a tentative or recommended decision in lieu of an initial or recommended decision by the hearing officer. See Davis, "Institutional Administrative Decisions," *Columbia Law Review*, Vol. 48, pp. 173–201 (Mar., 1948).

> We do not require that the examiner's findings be given more weight than in reason and in the light of judicial experience they deserve. The "substantial evidence" standard is not modified in any way when the Board and its examiner disagree. We intend only to recognize that evidence supporting a conclusion may be less substantial when an impartial, experienced examiner who has observed the witnesses and lived with the case has drawn conclusions different from the Board's than when he has reached the same conclusion. The findings of the examiner are to be considered along with the consistency and inherent probability of testimony. The significance of his report, of course, depends largely on the importance of credibility in the particular case. To give it this significance does not seem to us materially more difficult than to heed the other factors which in sum determine whether evidence is "substantial."[37]

However difficult it may be to assess the weight thus to be given the examiner's findings, there can be no doubt that the tendency of the decision is to enhance the prestige of the examiner's office and so to contribute to the accomplishment of one of the major objectives of the statute.

C. *Scope of Judicial Review.* The third and final point of disagreement between the majority and minority of the Attorney General's Committee concerned the desirability of attempting to establish a more uniform and explicit standard for judicial review of administrative determinations. The majority seemed satisfied that the standard of review embodied expressly or by judicial interpolation in most federal statutes—namely whether there is substantial evidence to support the findings of fact—was well enough understood to require no further elaboration.[38] Indeed it was even suggested that one of its virtues might be that it was sufficiently vague to permit some variation in application,[39] depending on the reviewing court's confidence in the particular tribunal. The minority members, on the other hand, expressed grave dissatisfaction with the wide variation in application of general standards of review,[40] and particular objection to what they regarded as one of the prevalent interpretations of the substantial evidence rule, namely that "if what is called 'substantial evidence' is found anywhere in the record to support conclusions of fact, courts are said to be obliged to sustain the decision without reference to how heavily the countervailing evidence may preponderate—unless indeed the stage of arbitrary decision is reached."[41] To banish this interpretation the minortity suggested legislative prescription of a general standard which would require the reviewing courts to set aside administrative "findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence."[42]

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[36] *Universal Camera Corp. v. National Labor Relations Board,* 71 S. Ct. 456 (Feb. 26, 1951). Justices Black and Douglas dissented from this ruling for the reasons given by Judge Learned Hand in the court below, 179 F. 2d. 749, 753. Judge Hand had considered it clear, from the legislative history, that the examiners rulings were not to have the weight of the findings of a master in chancery; and short of that he could not tell what weight to give them. It will be interesting to see what he does in the light of the Supreme Court's opinion.

[37] 71 S. Ct. at p. 469.

[38] *Report,* pp. 75–95.

[39] *Ibid.,* p. 91.

[40] *Ibid.,* pp. 209–212.

This suggestion was apparently the genesis of the provision of the Administrative Procedure Act which, in addition to requiring the reviewing court to set aside findings of fact unsupported by substantial evidence, adds the following admonition: "In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party and due account shall be taken of the rule of prejudicial error."[43] The legislative history of the Taft-Hartley, or Labor-Management Relations Act, also reflected a dissatisfaction with the substantial evidence rule in actual operation, with more specific emphasis upon the asserted tendency of some courts to sustain Labor Board findings based upon "suspicion, surmise, implications, or plainly incredible evidence."[44] The solution adopted was to amend the statutory language to read: "The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record as a whole, shall be conclusive." The significant change in both statutes was the reference to "the whole record" or "the record as a whole."[45] The immediate question presented was whether this was really the prescription of a new standard of review, or was merely making explicit what had always been implicit in the substantial evidence rule.

The conclusive, though somewhat evasive, answer to this question has just been given by the Supreme Court in two cases decided during the present term. Both of these cases involved judicial review of the Labor Board, one, *Universal Camera Co. v. National Labor Relations Board*,[46] the other, *National Labor Relations Board v. Pittsburgh Steamship Company*.[47] The significance of the opinions is, however, broader than judicial review of the Labor Board, for Mr. Justice Frankfurter, speaking for the Court in the *Universal Camera* case, said with unmistakable clarity: ". . . we hold that the standard of proof specifically required of the Labor Board by the Taft-Hartley Act is the same as that to be exacted by courts reviewing every administrative action subject to the Administrative Procedure Act."[48] But Mr. Justice Frankfurter was not quite so explicit in answering the question whether this new standard of review was any different from the old substantial evidence rule, as it had been understood and applied by the Supreme Court. In a sense Mr. Justice Frankfurter suggested that the question is irrelevant, when he wrote: "Whether or not it was ever permissible for courts to determine the substantiality of evidence supporting a Labor Board decision merely on the basis of evidence which in and of itself justified it, without taking into account contradictory evidence or evidence from which conflicting inferences could be drawn, the new legislation definitively precludes such a theory of review and bars its practice."[49] In another sense, however, the opinion seems to recognize that the significance of the new standard can only be fully appreciated by comparison with application, or misapplication, of the old and the following passages summarize the discussion of the general problem:

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[41] *Ibid.*, pp. 210–11. See, too, E. Blythe Stason, "'Substantial Evidence' in Administrative Law," *University of Pennsylvania Law Review*, Vol. 89, pp. 1026–1051 (June, 1941); Robert L. Stern, "Review of Findings of Administrators, Judges and Juries; A Comparative Analysis," *Harvard Law Review*, Vol. 58, pp. 70–124 (Nov., 1944).

[42] *Report*, p. 246.

[43] Section 10(e).

[44] S. Rept. 752, 79th Cong., 1st sess., pp. 30–31.

[45] Section 10(e), Labor Management Relations Act.

[46] 71 S. Ct. 456 (Feb. 26, 1951).

[47] *Ibid.* at p. 453.

[48] *Ibid.* at p. 464.

> The adoption in these statutes of the judicially-constructed "substantial evidence" test was a response to pressures for stricter and more uniform practice, not a reflection of approval of all existing practices. To find the change so elusive that it cannot be precisely defined does not mean it may be ignored. We should fail in our duty to effectuate the will of Congress if we denied recognition to expressed Congressional disapproval of the finality accorded to Labor Board findings by some decisions of this and lower courts, or even of the atmosphere which may have favored those decisions.
>
> We conclude, therefore, that the Administrative Procedure Act and the Taft-Hartley Act direct that courts must now assume more responsibility for the reasonableness and fairness of Labor Board decisions than some courts have shown in the past. Reviewing courts must be influenced by a feeling that they are not to abdicate the conventional judicial function. Congress has imposed on them responsibility for assuring that the Board keeps within reasonable grounds. That responsibility is not less real because it is limited to enforcing the requirement that evidence appear substantial when viewed, on the record as a whole, by courts invested with the authority and enjoying the prestige of the Courts of Appeals. The Board's findings are entitled to respect; but they must nonetheless be set aside when the record before a Court of Appeals clearly precludes the Board's decision from being justified by a fair estimate of the worth of the testimony of witnesses or its informed judgment on matters within its special competence or both.[50]

The significance of this rather guarded recantation might have been appraised with some skepticism if the *Universal Camera* case had been decided alone, for Judge Learned Hand, writing for the Court of Appeals for the Second Circuit in the same case, had concluded that the new statutory language only made explicit what had always been the understanding and practice of that Court;[51] and the Supreme Court found no reversible error in this respect because "it is clear from the court's opinion in this case that it in fact did consider 'the record as a whole,' and did not deem itself merely the judicial echo of the Board's conclusion."[52] But the decision in the companion case involving the Pittsburgh Steamship Co. is a more enlightening illustration of the new dispensation in actual operation. That case had been before the Supreme Court once before, when after reversing the decision of the Court of Appeals for the Sixth Circuit, which had set aside the Board's order on other grounds, the Supreme Court had remanded the proceedings to the court below with the following comment: "Without doubting the existence here of evidence substantial enough under the

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[49] *Idem.*

[50] *Ibid.* at pp. 465–466.

[51] 179 F. 2d 749.

[52] 71 S. Ct. at p. 466.

Wagner Act, . . . to warrant the Board's findings, we are not certain whether that standard controls this case."[53] Upon reconsideration the Court of Appeals again held the Board's order invalid, this time on the ground that, applying the new and revised standard of judicial review embodied in the amended Act, there was a lack of substantial evidence to support the Board's findings.[54] This decision the Supreme Court affirmed, relying upon the principles announced in the *Universal Camera* case, and also adding, by way of general illumination, that the conclusion expressed in its earlier opinion in the *Pittsburgh* case with respect to substantial evidence "was reached on the assumption that under the Wagner Act substantiality was satisfied if there was evidence in the record in support of the Board's conclusion."[55] Thus the Court in effect suggested that the change in the statutory language was at least sufficient to induce it to change its own position in the Pittsburgh case, even if it was not sufficient to require a change in the position of the Court of Appeals for the Second Circuit in the *Universal Camera* case.

The effect of these two decisions will certainly be that some of the Courts of Appeals, which had quite obviously chafed at the restricted scope of review imposed upon them by the Supreme Court, will now feel free to follow their natural inclination to examine more critically some administrative findings. What course will be followed by those courts, which, like the Court of Appeals for the Second Circuit in the *Universal Camera* case, have already expressed the opinion that they have always examined all pertinent parts of the record in applying the substantial evidence rule, is a more interesting, if less predictable, subject for speculation.[56] But whatever the exact formulations or explanations may be, there can be little doubt that the findings of the Labor Board in particular, and to some extent of administrative agencies in general, will fare somewhat more roughly than before in the federal courts. The judgment of the expert is still to be respected, but only to the extent that it does not shock the common sense of the judiciary.

The preceding discussion of the review of administrative findings of fact under the substantial evidence rule assumes, of course, that neither constitutional requirement nor some other specific statutory provision makes applicable a different standard dictating more penetrating judicial review of the administrative judgment. If, for example, the facts are subject to a trial *de novo* by the reviewing court, the substantial evidence rule, as the Administrative Procedure Act recognizes, is inapplicable.[57] The same would seem to be true in those situations, where there is a constitutional right to the independent judgment of the court on the facts, even though review is on a record made before the administrative agency. The difficulty lies in determining when either of these stricter standards of review is applicable as a matter of constitutional right. The principal factual questions with respect to which such a right has been recognized by previous decisions of the Supreme Court concern citizenship in deportation proceedings;[58] the master-servant relationship or navigability of the waters where the accident occurred, in compensation claims under the Longshoremen's and Harbor Workers' Act;[59] and fair return on fair value in public utility rate cases.[60] In the first two instances the requirement has been one of a trial *de novo* with respect to the crucial facts, while in the last only an independent judgment with respect to the facts as revealed in the record before the administrative tribunal has been required;[61] but in all three instances the common denominator has supposedly been that the protection of the constitutional right asserted depended upon the correct resolution of the factual question at issue. So far as public utility rate regulation is concerned, the principle seems to have been tacitly abandoned by the Supreme Court, perhaps as a corollary to the abandonment of fair return on fair value as the magic test of the validity of maximum rate regulation.[62] The constitutional-jurisdictional fact doctrine under the Longshoremen's Act, first established in *Crowell v. Benson*, has never been explicitly abandoned or directly violated by the Supreme Court, although it has been so closely confined by subsequent distinctions as to vitiate considerably its significance, and perhaps too its moral authority.[63]

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[53] *National Labor Relations Board v. Pittsburgh Steamship Co.*, 337 U. S. 656, 661 (1949). The Court of Appeals had set aside the order on the ground that the record disclosed bias on the part of the trial examiner (167 F. 2d 126). The Supreme Court, in an opinion by Mr. Justice Rutledge, unanimously concluded otherwise, but Mr. Justice Jackson reserved judgment as to whether there was substantial evidence by any standard of review.

[54] 180 F. 2d 731. [55] 71 S. Ct. at 454–445.

[56] Five other courts of appeals had expressed the same views as the Court of Appeals for the Second Circuit. These included the Court of Appeals for the Fifth Circuit, which had once been attacked by the Solicitor General for substituting its judgment for that of the Board in a series of cases, and which had been reversed on that ground by the Supreme Court in *National Labor Relations Board v. Waterman Steamship Corp.*, 309 U. S. 206 (1940). The Court of Appeals for the Fifth Circuit might now feel that its position in the *Waterman* and similar cases has been vindicated and might try to recapture its former attitude.

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[57] Section 10(e) includes the provision that administrative action, findings and conclusions shall be set aside if "found to be . . . contrary to constitutional right, power, privilege or immunity or . . . unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court."

[58] *Ng Fung Ho v. White*, 259 U. S. 276 (1922).

[59] *Crowell v. Benson*, 285 U. S. 22 (1932).

[60] *Ohio Valley Water Co. v. Ben Avon Borough*, 212 U. S. 287 (1920).

[61] Even this requirement was somewhat relaxed by the opinion of Chief Justice Hughes for the Court in *St. Joseph Stock Yards Co. v. United States*, 298 U. S. 38, 51 (1936), in which he said: "This judicial duty to exercise an independent judgment does not require or justify disregard of the weight which may properly attach to findings upon hearing and evidence." For general discussion, see Davis, "Scope of Review of Federal Administrative Action," *Columbia Law Review*, Vol. 50, pp. 559–612 (May, 1950).

[62] The Natural Gas Act provides that findings of fact by the Federal Power Commission "if supported by substantial evidence shall be conclusive" (52 *Stat.* 821; 15 U.S.C. 717r). In recent cases reviewing orders of the Commission there is no suggestion that this standard of review is not properly applicable to all questions of fact involved. See *Federal Power Commission v. Natural Gas Pipeline Co.*, 315 U. S. 575 (1942); *Federal Power Commission v. Hope Natural Gas Co.*, 320 U. S. 591 (1944). These cases indicate that the crucial issues in public utility rate regulation are no longer treated as questions of fact so much as questions of judgment with respect to what the relevant facts are.

Quite the opposite seems to be true of the authority of the same principle as applied to the question of citizenship in deportation proceedings first announced in *Ng Fung Ho v. White*.[64] Mr. Justice Brandeis, who had written the opinion for the Court in the *White* case, explained his view of its inapplicability in *Crowell v. Benson*, on the ground that Congress had not provided for statutory review of deportation proceedings, and that therefore "No question arose as to whether Congress might validly have provided for review exclusively upon the record made in the executive department; nor as to the scope of review which might have been permissible upon such a record."[65] But in his concurring opinion in the *St. Joseph Stockyards Co.* case, in denying the applicability of the principle of the *White* case to public utility rate regulation, Mr. Justice Brandeis suggested another and more significant distinction "between the right of liberty of person and other constitutional rights."[66] Since it is now generally recognized that deportation proceedings too are reviewable on the administrative record, so far as questions other than citizenship are concerned, and that the Administrative Procedure Act makes the substantial evidence rule controlling wherever constitutional right, or some more specific statute, does not make a different standard of judicial review applicable, it might be argued that the Court must now either accept the more fundamental distinction suggested by Mr. Justice Brandeis between personal liberty and other constitutional rights, or overrule the *White* case. Such a difficult choice might, however, conceivably be avoided, even if it were directly presented, on the ground that the doctrine of the *White* case is an interpretation of the immigration statutes as well as a determination of constitutional right, and as such should be followed until explicitly disapproved by amendment of those statutes.

Another one of the basic questions of judicial review of administrative action concerns the extent to which (if at all) administrative determinations of law, as distinguished from determinations of fact, are entitled to special weight or respect in the eyes of reviewing courts. This too involves a judge-made doctrine, the meaning or proper application of which is far from clear, and which has been the subject of considerable debate. It has long been familiar learning in administrative law that the interpretation of a statute by the agency charged with its administration is entitled to some weight—the measure of such weight varying, as Mr. Justice Jackson has put it, with "the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control."[67] But in the leading case of *Gray v. Powell*, the Supreme Court seemed to carry this general idea still a step further when it said of a ruling by the Director of the Bituminous Coal Division of the Department of Interior on an application for exemption under the Bituminous Coal Act: "Unless we can say that a set of circumstances deemed by the Commission to bring them within the concept 'producer' is so unrelated to the tasks entrusted by Congress to the Commission as in effect to deny a sensible exercise of judgment, it is the Court's duty to leave the Commission's judgment undisturbed."[68] Another outstanding application of the same principle was made in *National Labor Relations Board v. Hearst,* where the Court, in sustaining the determination of the Board that Los Angeles newsboys were employees within the meaning of the Act, said: "But where the question is one of specific application of a broad statutory term in a proceeding in which the agency administering the statute must determine it initially, the reviewing court's function is limited. . . . the Board's determination that specified persons are 'employees' under this Act is to be accepted if it has 'warrant in the record' and a reasonable basis in law."[69] A more specialized example was provided in the famous tax case of *Dobson v. Commissioner,* where Mr. Justice Jackson announced, on behalf of the Court, the principle that thereafter the federal courts in reviewing decisions of the Tax Court should be more astute to avoid "treating as a rule of law what we think is only a question of proper tax accounting."[70]

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[63] See Bernard Schwartz, "Does the Ghost of *Crowell v. Benson* Still Walk?" *University of Pennsylvania Law Review*, Vol. 98, pp. 163–182 (Dec., 1949).

[64] See above n. 58.

[65] 285 U. S. at p. 90, n. 26.

[66] 298 U. S. at p. 77.

[67] *Skidmore v. Swift & Co.*, 323 U. S. 134, 140 (1944).

In all of these cases the underlying or evidentiary facts were virtually undisputed; the ultimate question was whether the totality of undisputed facts added up to the concept embodied in the particular term of the statute. Frequently such a problem is referred to as a mixed question of law and fact. But whatever the nomenclature applied to it, the theory is that within the scope of certain boundaries to be set by the court, the administrative agency has discretion and powers to fill in the exact meaning to be attributed to the general statutory phraseology. Thus the ultimate result is the delegation of a certain lawmaking authority to the administrative agency, comparable to the lawmaking authority commonly exercised through the issuance of legislative regulations by administrative agencies, only here exercised through a case-by-case application of a general concept to particular situations. Such a delegation is, of course, dependent upon a legislative grant in the statute itself; and the most difficult questions presented are whether such a grant has in fact been made and, if so, just what the extent of it is.[71]

Despite the frequency with which the principle of *Gray v. Powell* has been invoked by the Supreme Court, the whole conception has been vigorously attacked as an unwarranted abdication of judicial authority to administrative control, and it has been suggested that the Administrative Procedure Act outlaws its continuance.[72] The argument in support of this last suggestion is that Section 10(c) of the Act requires judicial determination of all questions of law by providing: "So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action." The principal answer to this argument has been that all of the provisions of Section 10, of which the quoted language is a part, are qualified by the introductory clause which reads: "Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion." Under this view the principle of *Gray v. Powell* has always been properly applied only to the extent that "agency action is by law committed to agency discretion," and there is no reason to anticipate a change in its application on account of the Administrative Procedure Act.

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[68] 314 U. S. 402, 413 (1941).

[69] 322 U. S. 111, 131 (1944).

[70] 320 U. S. 489, 507 (1943).

[71] For general discussions of the problem, see Robert M. Benjamin, "Judicial Review of Administrative Adjudication: Some Recent Decisions of the New York Court of Appeals," *Columbia Law Review*, Vol. 48, pp. 1–36 (Jan., 1948); Davis, *loc. cit.*, above n. 61; Nathanson, "Administrative Discretion in the Interpretation of Statutes," *Vanderbilt Law Review*, Vol. 3, pp. 470–492 (Apr., 1950); and Stern, *loc. cit.*, above n. 41. And cf. *O'Leary v. Brown-Pacific-Maxon, Inc.*, 71 S. Ct. 470 (1951).

It has also been suggested that Congress has in other ways shown its fundamental lack of sympathy with, and even disapproval of, the principle of *Gray v. Powell*, particularly by overruling the *Dobson* case insofar as it established the guiding principle for judicial review of the Tax Court, and by undermining the rule of the *Hearst* case insofar as it permitted the inclusion of independent contractors within the definition of "employee" under the National Labor Relations Board.[73] Those legislative decisions were, however, clearly motivated by considerations relevant to the particular problems involved, rather than by general considerations with respect to judicial review. Furthermore, the objective was accomplished by the adoption of specific statutory language bearing no resemblance to the general language of the Administrative Procedure Act. Finally, the legislative history of the Act reveals no current of dissatisfaction with judicial review of questions of law or statutory interpretation which is comparable to that expressed with respect to review of findings of fact. It therefore seems unlikely that the Act will be held to have effected a change in the principle of *Gray v. Powell*, although prophecy in this area, as many commentators learned from the *Universal Camera* and *Pittsburgh* cases, is a dangerous thing.

The foregoing discussion of the scope of judicial review has proceeded on the assumption that there is no question but that some judicial review is applicable to the administrative action involved. In many cases this assumption is entirely justified, either because of specific statutory provision which outlines the method of judicial review, or because of previous decisions recognizing a constitutional right to review. But there are other instances where the statutes are silent and no constitutional right has yet been recognized.

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[72] See John Dickinson, "The Judicial Review Provisions of the Federal Administrative Procedure Act (Section 10) Background and Effect," in Warren (ed.), *Federal Administrative Procedure Act and Administrative Agencies*, pp. 582–585.

[73] See Thayer D. Moss, "The Administrative Interpretation of Statutes," *Georgetown Law Journal*, Vol. 39, pp. 244–262 (Jan., 1951).

In these instances, the Administrative Procedure Act is particularly unenlightening. Section 10 (a) makes the broad provision: "Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review." In addition, Section 10(c) provides: "Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review." But these provisions, like the scope of review provisions, are all subject to the introductory qualification: "Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion." Thus the crucial question in this connection becomes whether the particular statute does preclude judicial review; if so, to what extent; and finally whether such preclusion violates any constitutional right. In practice the questions may merge, if the statute is interpreted to permit review so as to avoid a substantial constitutional doubt. It also may be suggested that the question of notice and hearing and the question of judicial review are often inseparable, since the right to a fair hearing can only be vindicated if there is a right to judicial review to determine at least whether the hearing was a sham. If this is true, the same basic constitutional question which, under the principle of the *Wong Yang Sung* case, underlies the application of the hearing provisions of the Administrative Procedure Act, may also underly the application of the judicial review provisions of the Act; and it is therefore to these fundamental questions of constitutional right that we now turn our attention.

II. REQUIREMENTS OF DUE PROCESS

A. *The Selective Service Cases.* It is not surprising that the Selective Service Act, with its far-reaching subordination of the individual to the claims of the State, should have presented some of the most troubling questions of judicial review of administrative action. The first of these cases to be decided by the Supreme Court was *Falbo v. United States,*[74] which arose when a registrant whose local board had classed him as a conscientious objector refused to obey the board's order to report for assignment to work of national importance. The registrant was indicted for this refusal and sought to defend his conduct on the ground that he was entitled to a statutory exemption from all forms of national service since the facts that he had presented to the board showed that he was a regularly ordained minister. The trial court refused to consider this defense, on the ground that, under the statute, the draft board had the final say as to whether or not the exemption applied. A conviction followed and the decision was ultimately affirmed by the Supreme Court in January, 1944. However, the basis of decision in the Supreme Court was not so clear and simple as that in the trial court. The opinion of the Court pointed out that the decision of the board was not really the end of the administrative process since the selectee might still be rejected at the induction center and the conscientious objector might be rejected at the service camp. The Court then disposed of the due process argument by saying: "Even if there were, as the petitioner argues, a constitutional requirement that judicial review must be available to test the validity of the decision of the local board, it is certain that Congress was not required to provide for judicial intervention before final acceptance of an individual for draft service."[75]

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[74] 320 U. S. 549 (1944). Mr. Justice Murphy dissented.

Despite this carefully limited language, the decision of the Supreme Court in the *Falbo* case was generally understood by the lower federal courts to mean that the determination of the scope and application of each statutory exemption was entirely a matter of administrative discretion, to be determined by the appropriate administrative authorities without recourse to judicial review. This understanding changed considerably when the Court in *Estep v. United States,*[76] decided in 1946, explained that the *Falbo* decision meant only that the registrant must exhaust his administrative remedies by reporting to the induction center or service camp; but that if he did so and was then accepted for service, he could decline to be inducted, and in subsequent criminal proceedings could contest the validity of the administrative decision denying his claim for exemption. In so limiting the effect of the *Falbo* decision, the Court was not unanimous; Chief Justice Stone and Justices Frankfurter and Burton disagreed, on the ground that the provision of the statute making the draft board's decision final precluded judicial reëxamination of its validity in criminal proceedings. There was, it is true, some suggestion in their opinions that some review might properly be obtained by accepting induction and then bringing a habeas corpus proceeding; but Mr. Justice Frankfurter, at least, made it clear that in his view such a proceeding could challenge only the authority of the particular board to decide the question, not whether it had decided erroneously.

But the abiding and far-reaching significance of the *Estep* case lies not in the niceties of statutory interpretation or choice of procedural remedies, so much as in the underlying difference of opinion suggested with respect to the constitutional right to judicial review of the fairness and reasonableness of the administrative denial of exemption. This issue was most sharply posed in the concurring opinions of Mr. Justice Murphy[77] and Mr. Justice Rutledge,[78] both of whom asserted that it would be a denial of constitutional right to impose criminal sanctions for violation of an administrative order without affording any opportunity to challenge the validity of the order in the criminal proceedings. But the opinion for the Court by Mr. Justice Douglas carefully avoided a direct commitment on the constitutional question, saying instead:

> We cannot read §11 as requiring the courts to inflict punishment on registrants for violating whatever orders the local boards might issue. We cannot believe that Congress intended that criminal sanctions were to be applied to orders issued by local boards no matter how flagrantly they violated the rules and regulations which define their jurisdiction. . . . We cannot readily infer that Congress departed so far from the traditional

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[75] *Ibid.* at p. 554.
[76] 327 U. S. 114 (1946).
[77] *Ibid.* at p. 125.
[78] *Ibid.* at p. 132.

> concepts of a fair trial when it made the actions of the local boards "final" as to provide that a citizen of this country should go to jail for not obeying an unlawful order of an administrative agency. We are loath to believe that Congress reduced criminal trials under the Act to proceedings so barren of the customary safeguards which the law has designed for the protection of the accused.[79]

The view taken by Chief Justice Stone and Justices Frankfurter and Burton would seem to be necessarily a rejection of the particular claim that due process includes the right to a judicial determination of the validity of the administrative action which forms the basis for prosecution. Nevertheless, their opinions did not come directly to grips with the constitutional issue, although Mr. Justice Frankfurter came closest to it in the following discussion:

> For five years the circuit courts of appeals have construed §10 (a) (2) to mean that Congress established a system for organizing a vast citizen's army, the selection of which shall be in civilian boards with such control over them as the President may formulate. Designed obstruction of this means of meeting the great emergency was made an offense. That the Congress had the Constitutional power to do so needs no argument at this late date. See *Selective Draft Law Cases*, 245 U. S. 366; *Hirabayashi v. United States*, 320 U. S. 81, 93. And yet the Court today holds that eight circuit courts of appeals were wrong in reading the language of Congress as Congress wrote it, even though in doing so these courts were respectful of the considerations that moved Congress to write the Act as it did in order to raise that army. If this be so, not only were they wrong, but probably hundreds of convictions for disobedience of local board orders based on such regard for what Congress had written, were invalid.[80]

The assumption underlying this statement, that Congress could constitutionally preclude judicial review of the board's decision in criminal proceedings, has not yet been tested. Congress accepted the *Estep* decision just as it had apparently accepted the *Falbo* decision. The Selective Service Act was not amended, and questions such as those raised in *Estep* were litigated thereafter in criminal proceedings, as well as in habeas corpus proceedings.[81]

The exact scope of the review to be accorded was not, however, immediately apparent, and the subsequent history of judicial review of draft orders adds perplexities to the problem. In *Cox v. United States*,[82] for example, the challenge to the validity of the draft classification—denial of exemption as a minister—was presented in criminal proceedings and was rejected on the ground that there was evidence to support the board's finding. The Court was, however, far from unanimous, and the various opinions reflect considerable uncertainty as to the scope of judicial review. Mr. Justice Reed, in an opinion for himself and three other members of the Court, found upon examination of the facts before the board that there was adequate basis for the board's denial of the exemption. Mr. Justice Reed also rejected the contentions that the defendants were entitled to present new evidence on this question in the Court and to have the question submitted to the jury. Mr. Justice

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[79] *Ibid.* at pp. 121–122.

[80] *Ibid.* at pp. 143–144.

[81] Examples of review by habeas corpus are provided in *Eagles v. Samuels*, 329 U. S. 304 (1946) and *Eagles v. Horowitz*, 329 U. S. 317 (1946), where the Court examined and rejected claims that the hearings had been unfair and that there was no evidence to support the board's finding.

[82] 332 U. S. 442 (1947).

Frankfurter concurred only in the result, apparently maintaining the same position he had taken in the *Estep* case and regarding the Court's review as going too far. Mr. Justice Douglas and Mr. Justice Black dissented, not because they explicitly objected to the Court's standard of review, but because, applying that standard, they "did not agree that the local board had adequate basis to deny petitioners the classification of ministers."[83] Mr. Justice Murphy and Mr. Justice Rutledge, on the other hand, placed their joint dissent on the ground that the standard of review applied was not broad enough to permit serious judicial consideration of the issue. Thus Mr. Justice Murphy speaking for both of them said:

> Specifically, I object to the standard of review whereby the draft board classification is to be sustained unless there is no evidence to support it. Less than a substantial amount of evidence is thus permitted to legalize the classification. Whatever merit this standard may have in other situations, I question the propriety of its use in this particular setting. . . .
>
> These stakes are too high, in my opinion, to permit an inappreciable amount of supporting evidence to sanction a draft board classification. . . . If respect for human dignity means anything, only evidence of a substantial nature warrants approval of the draft board classification in a criminal proceeding.[84]

Mr. Justice Murphy obviously assumed that the review indulged by the majority was less than that usually accorded under statutes where the formula is said to be whether there is substantial evidence to support the findings. The tantalizing aspect is that there is no assurance that the other members of the Court meant to apply a standard different from the substantial evidence rule when they used the phrase "adequate basis in fact." Some indirect support for the view that they probably were using a more limited standard may be drawn from the opinion of Mr. Justice Douglas for the Court in the *Estep* case, where he had expounded the view that the word "final" in the statute "means to us that Congress chose not to give administrative action under this Act the customary scope of judicial review which obtains under other statutes. It means that the courts are not to weigh the evidence to determine whether the classification made by the local boards was justified."[85] The difficulty with this explanation is that review under the substantial evidence rule, "the customary scope of review" in the federal courts, must also be distinguished from a weighing of the evidence which substitutes the court's judgment for that of the administrative agency.

Now the problem is further complicated—but perhaps illuminated—by the decisions of the Supreme Court in the *Pittsburgh* and *Universal Camera* cases. The substantial evidence rule as used in the Administrative Procedure Act clearly does include a certain amount of weighing of the evidence, which is not the same as substituting the judgment of the courts for that of the administrator, but which is also more penetrating than that which the Court had in mind in the *Estep* case or apparently practiced in the *Cox* case. Selective service determinations are specifically exempted from the Administrative Procedure Act, so that there is no question as whether that Act changes the scope of review provided for in the Selective Service Act, as interpreted by the *Estep* and *Cox* cases. Assuming, then, that the scope of review under the latter Act is really significantly narrower than the substantial evidence rule as now understood, we have, in effect, a compromise between the views of Mr. Justice Frankfurter, favoring virtually no judicial review on the one hand, and those of Justices Rutledge and Murphy favoring a review as broad as the substantial evidence rule, on the other, which might well commend itself to the Court as a whole.

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[83] *Ibid.* at p. 445. [84] *Ibid.* at pp. 457–458.

[85] 327 U. S. at p. 122. Mr. Justice Douglas also said that this was "the scope of review in deportation cases where Congress has made the orders of deportation final" (p. 123, n. 14). Apparently it is also the same scope of review as was practiced in *Eagles v. Samuels* and *Eagles v. Horowitz,* above n. 81.

B. *Emergency Economic Controls.* From the standpoint of administrative law, the essential problems of emergency economic controls—particularly anti-inflation control—were not entirely dissimilar from the essential problems of selective service. Just as Congress was concerned to get men into the army as speedily as possible without permitting the luxury of litigation to impede the process, so Congress was concerned that the effectiveness of price regulation should not be so delayed by litigation as to make it virtually impossible to place an effective brake on inflation. In order to accomplish this objective, the Emergency Price Control Act,[86] as originally enacted, did not attempt to prevent the judicial review of price or rent regulations, but it did strictly canalize the manner in which their validity could be challenged. More specifically the power to issue preliminary or temporary injunctions restraining the enforcement of price or rent regulations before final determination of their validity, was withdrawn from all courts, federal or state; a special court, the Emergency Court of Appeals, was created to pass on the validity of price or rent regulations after the objections had been presented in administrative proceedings; and, finally, all other courts were forbidden to consider the validity of price or rent regulations in any proceedings that might be brought before them.[87]

This last exclusive jurisdiction provision was comparable to the implication for which the Government contended in the Selective Service cases. There was, however, the significant difference that the Price Control Act also provided an affirmative method by which the validity of the regulations might be judicially challenged. Thus any challenge to the constitutionality of the procedural provisions of the statute naturally focussed on the adequacy of the alternatives provided; and this was indeed the critical issue in *Yakus v. United States,*[88] decided by the United States Supreme Court in 1943. There the Court held that it was not an appropriate defence in a criminal proceeding for violation of a price regulation to contend that the regulation was invalid because the maximum prices established by it were not generally fair and equitable as required by the statute. The dissenting opinion of Mr. Justice Roberts was based on the ground that the statute embodied so broad a grant of discretion to the Price Administrator that it constituted an invalid delegation of legislative power—an issue which has become, so far as Federal administrative law is concerned, much more of a political question than a serious judicial one. Mr. Justice Rutledge, writing for himself and Mr. Justice Murphy, however, based their dissents on the same fundamental issues of due process with which they were concerned in the *Falbo* and *Estep* cases. To some extent their due process objection rested on the cumulative effect of the various restrictions upon the time and manner in which the proceedings to test the validity of regulations could be prosecuted; but Mr. Justice Rutledge also took a more intransigent position when he suggested: "The crux of this case comes, as I see it, in the question whether Congress can confer jurisdiction upon the Federal and state courts in the enforcement proceedings, more particularly the criminal suit, and at the same time deny them jurisdiction or power to consider the validity of regulations for which enforcement is thus sought."[89]

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[86] 56 *Stat.* 23 (1942); 50 U.S.C.A. App. §901–946 (1944).

[87] For discussion of the operation of those provisions, see Jacob D. Hyman and Nathanson, "Judicial Review of Price Control: The Battle of the Meat Regulations," *Illinois Law Review,* Vol. 42, pp. 584–634 (Nov.–Dec., 1947); and Nathanson, "The Emergency Court of Appeals," in *Problems of Price Control: Legal Phases,* U. S. Office of Price Control, Historical Reports on War Administration, Vol. 11 (Washington, 1947).

[88] 321 U. S. 414 (1944).

As Mr. Justice Rutledge had also indicated in both the *Falbo* and *Estep* cases, he was particularly concerned with the denial of the Court's jurisdiction in criminal proceedings to determine the validity of administrative action when that action itself was challenged as an infringement of constitutional right. The horrible example which Mr. Justice Rutledge apparently had in mind when he spoke of an unconstitutional regulation was one which was clearly discriminatory—which singled out some individuals or groups for special burdens without any justification in reasonable classification or the policy of the law.[90] To some extent the opinion of the Court left open the possibility that such a challenge to the validity of a regulation might be presented in enforcement proceedings. Thus Chief Justice Stone said: "We have no occasion to decide whether one charged with criminal violation of a duly promulgated price regulation may defend on the ground that the regulation is unconstitutional on its face."[91] Chief Justice Stone also put aside, on the ground that the facts did not present it, the question pressed by Mr. Justice Rutledge as to "whether one who is forced to trial and convicted of a violation of a regulation, while diligently seeking a determination of its validity by the statutory procedure, may thus be deprived of the defense that the regulation is invalid."[92] Thus the decision was limited to the validity of the exclusive jurisdiction provisions as applied in enforcement proceedings against a defendant who sought to establish as a defense that the regulation did not conform to the statutory standards, without having attempted to use the statutory avenue of administrative proceedings and review in the Emergency Court of Appeals.[93]

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[89] *Ibid.* at p. 467.

[90] Mr. Justice Rutledge suggested that this presented a question of "separation and independence of the powers of government and of the constitutional integrity of the judicial process" as well as "one of individual right or due process of law" (*ibid.* at p. 468).

[91] *Ibid.* at pp. 446–447. [92] *Ibid.* at p. 447.

Congress did not accept the full implications of the *Yakus* decision as complacently as it had apparently accepted those of the *Falbo* decision. The position taken by Mr. Justice Rutledge evoked such a sympathetic legislative reaction that, in the 1944 renewal of the Price Control Act,[94] amendments to the administrative procedure and judicial review provisions of the statute removed much of the basis for the criticism which he had leveled against it. Specifically, the time limit was removed with respect to the initiation of administrative proceedings challenging a regulation or order, trial courts were directed to withhold final action in enforcement proceedings when the validity of a regulation was under attack in the Emergency Court of Appeals or before the Administrator, and trial judges in enforcement proceedings were authorized to permit the institution of proceedings in the Emergency Court of Appeals when a good excuse was shown for failure to initiate administrative proceedings before the institution of enforcement proceedings. These same amendments were embodied in the price control provisions of the National Production Act of 1950, except that a time limit of six months was placed upon the initiation of administrative protest proceedings.[95] Thus it is made perfectly clear that only he who has really slept on his rights with unusual persistence and procrastination is to be deprived of the opportunity to challenge the validity of the administrative regulations as a defence to the imposition of statutory penalties, although a special procedure and a special court is provided for the determination of that particular issue.

What then has become, one might ask, of the notion embodied in the exclusive jurisdiction provisions of the original act, that actual enforcement of price regulations must not be delayed by litigation? In two respects, it may be said this original idea is retained in the amended and present version of the legislation. First any one who violates price regulations before their validity has been finally determined, accepts the risk that their validity will be eventually sustained and that he will have to pay the penalty for his violations during that period. Furthermore, the trial court, in enforcement proceedings which are delayed while a proceeding is pending to determine the validity of a regulation, may issue an injunction requiring the defendant to obey the regulation, under pain of immediate punishment for contempt of court, until the litigation challenging the validity of the regulation is completed. (This is, of course, the reverse of the ordinary procedure under which the enforcement of a statute or regulation may be enjoined until litigation regarding its validity has been completed.) Thus a somewhat illogical compromise between two extreme positions has been worked out—one, the idea that compliance should be absolutely required until the invalidity of the administrative action has been established, and the other, the idea that no one should be required to comply with administrative action which may be unauthorized.

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[93] A companion case to *Yakus* was *Bowles v. Willingham,* 321 U. S. 503 (1944), which involved civil proceedings for an injunction on account of violation of a rent regulation. Here, as in *Yakus*, the defendant attempted to present the defense that the regulation was invalid, and once again the Court held that the exclusive jurisdiction provisions of the statute effectively barred the defense. This time, however, Mr. Justice Rutledge and Mr. Justice Murphy concurred, because civil rather than criminal proceedings were involved.

[94] Stabilization Extension Act of 1944, *Public Law* 383, 78th Cong., 2nd sess.

[95] *Public Law* 774, 81st Cong., 2nd sess. (1950). See Richard H. Field, "Economic Stabilization under the Defense Production Act of 1950," *Harvard Law Review*, Vol. 64, pp. 1–26 (Nov., 1950).

The elaborate structure provided for judicial review of the price control part of the emergency economic mobilization program, presents a striking contrast to the absence of such provisions in regard to the other aspects of the program. For example, a vast program of priorities, allocation and rationing was carried out during the War under the authority of a statutory provision which provided simply:

> Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such materials or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.[96]

Violation of regulations issued pursuant to this authority was made a criminal offence; judicial review was neither expressly provided for nor expressly excluded. The only significant instance of judicial review of administrative action implementing these great powers during World War II occurred in *L. P. Steuart & Bros., Inc. v. Bowles*,[97] when the Supreme Court considered and sustained the authority of the Price Administrator, acting under delegation from the President, to issue suspension orders which had the effect of withholding rationed materials from dealers when it was established that they had acquired or distributed materials in violation of the rationing regulations. For the purposes of the argument in that case, the Government conceded that such an order was subject to judicial review to determine whether the suspension was arbitrary or unreasonable. Furthermore, in practice suspension orders were not issued without prior notice and opportunity for hearing, which meant that no fundamental questions with respect to the right of hearing or judicial review were presented. Subsequently Congress amended the Price Control Act so as to provide explicitly for judicial review of suspension orders issued by the Price Administrator in the exercise of rationing authority pursuant to the Second War Powers Act. And during the hearings on renewal of that Act in 1945, some congressmen also suggested the desirability of inserting a similar provision for judicial review of all orders granting, denying or suspending priorities and allocations, or at least those affecting only the civilian economy. This proposal was vigorously denounced by some of the highest officials of the War Production Board and of the War and Navy Departments as inviting intolerable judicial interference with the administration of the war production program and was not pressed to a showdown by its sponsors.[98]

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[96] Second War Powers Act, 56 *Stat.* 178 (1942); 50 U.S.C. App. §633 (1944).

[97] 322 U. S. 398 (1944). Mr. Justice Roberts dissented without opinion.

Wage stabilization under the Stabilization Act of 1942[99] presented an even more striking example of how an elaborate administrative program of economic controls may be carried out virtually without recourse to the courts and without judicial review. Although the Stabilization Act of 1942, like the Defense Production Act of 1950, provided civil and criminal sanctions for violation of wage as well as price regulations, such sanctions were of little significance in the enforcement of the Wage Stabilization program.[100] For the purpose of securing compliance with the general wage ceiling, principal reliance was placed upon disallowance of authorized increases for tax or price purposes; and to effectuate War Labor Board orders establishing the terms for settlement of labor disputes, principal emphasis was placed upon the moral suasion inherent in the representative character of the Board, buttressed by the threat of various indirect sanctions, such as the withdrawals of priorities, allocations, or government contracts, in the case of employers, or the withdrawals of privileges previously granted by Board orders, in the case of employees, or government seizure under the War Labor Disputes Act,[101] in the case of either. Suits to set aside Board orders were brought in several instances by employers who alleged that the threat of withdrawal of priorities or of government seizure made the orders in effect mandatory, but the suits were dismissed on the ground that such eventualities were too speculative and remote to warrant judicial intervention.[102] As originally introduced in Congress the Defense Production Act contained the same elaborate provisions for judicial review of wage orders as were provided for price orders. These were, however, eliminated before final passage. Although there is presently in effect no Labor Disputes Act to justify seizure in the event of disputes growing out of a wage order, there can be little doubt that enforcement of the current wage stabilization program will be primarily through non-judicial sanctions and that judicial review will play little if any part.

The relative insignificance of judicial enforcement and judicial review in most of the allocation program and in the entire wage stabilization program suggests one of the major problems of modern American administrative law. As government controls and government operations permeate the economy and the line between public and private enterprise becomes continuously less distinct, the economic favors which the government may grant or withhold become infinitely more significant than the orthodox processes of judicial enforcement. Under such circumstances the traditional avenues of judicial review of administrative action, i.e., consideration of its validity in the enforcement proceedings or in a suit brought by the potential defendant to enjoin enforcement, are closed; and judicial review disappears altogether unless new avenues are created by judicial invention or statutory provision.

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[98] See the testimony of Robert P. Patterson, Undersecretary of War, J. A. Krug, Chairman, War Production Board, and H. S. Hensel, General Counsel, Navy Department, in the *Hearings* before Subcommittee No. 4 of the Committee on the Judiciary, 78th Cong., 2nd sess., on H. R. 4993 (Washington, 1944), pp. 90–108.

[99] 56 *Stat.* 765 (1942); 50 U.S.C.A. §961–971 (1944).

[100] *Termination Report,* War Labor Board (Washington, 1947), Vol. 1, pp. 415–441.

[101] 57 *Stat.* 163 (1943); 50 U.S.C.A. §1501–1511 (1944).

[102] *Employers Group of Motor Freight Carriers v. National War Labor Board,* 143 F. 2d 145 (C.A. D.C. 1944), cert. denied, 323 U. S. 735 (1944); *National War Labor Board v. Montgomery Ward & Co.,* 144 F. 2d 528 (C.A. D.C. 1944), cert. denied, 323 U. S. 774 (1944); *National War Labor Board v. United States Gypsum Co.,* 145 F. 2d 97 (C.A. D.C. 1944), cert. denied, 324 U. S. 856 (1945).

A peacetime example was provided under the Public Contracts Act,[103] which authorizes the Secretary of Labor to establish, in accordance with the general prevailing wages in the area, minimum wages which must be paid by all sellers of supplies to the government. The Supreme Court held, in *Perkins v. Lukens Steel Co.*,[104] that producers claiming an interest in bidding and negotiating for government contracts could not bring a suit challenging the validity of a wage determination by the Secretary on the ground that it was based on an erroneous interpretation of the statute. The Court's explanation was that no legal right of the producers had been invaded or threatened: "Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases."[105] When the Government's purchases are so great that they dominate the entire economy, the implications of the *Perkins* decision with respect to unreviewable administrative power can hardly be overstated. This does not mean, however, that Congress might not considerably restrict the effect of the decision by appropriate legislation, and there is some support for the view that this was intended by general provisions for judicial review in the Administrative Procedure Act.[106] Whether this is so or not becomes of considerably less immediate importance in view of the exemption from the Administrative Procedure Act contained in the National Defense Production Act.

C. *Problems of Internal Security*. Some of the most difficult questions concerning the right to hearing and judicial review have been presented in connection with immigration, deportation and civil service proceedings involving the determinations of personal loyalty and national security. The right to judicial review of deportation orders, and to application of the due process clause to assure a fair hearing before the issuance of such orders, was recognized early in the administration of the immigration laws in *The Japanese Immigrant Case*.[107] It was this right which underlay the determination in *Bridges v. Wixon* and *Wong Yang Sung v. McGrath*, which we have already considered in another connection. It was also early established, in the famous *Ju Toy* case,[108] that in exclusion, as distinguished from deportation, cases, there was no constitutional right either to administrative hearing before the decision or to judicial review of the exclusion order. This principle was involved in the much-publicized War Bride case, *Knauff v. Shaughnessy*,[109] where a majority of the Court, over the dissent of Justices Black, Frankfurter, and Jackson, sustained the exclusion of the alien wife of a citizen on the basis of confidential information which in the judgment of the Attorney General established that her admission would be prejudicial to the interests of the United States. It should be noted, however, that in the *Knauff* case even the dissenters did not challenge the constitutional power of Congress to exclude aliens without a hearing, but rested entirely on the argument that the statute should not be interpreted to deny the right to a hearing unless the language was so clear as positively to require that result. It may be assumed, therefore, that, at least with respect to aliens, the principle of the *Ju Toy* case denying any constitutional right to hearing in exclusion cases is still in good repute, although it may perhaps be doubted whether the principle would still be adhered to where a question of citizenship, rather than a question of judgment regarding the security of the United States, was involved.

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[103] 49 *Stat* 2036 (1936); 41 U.S.C.A. §35 (1943).

[104] 310 U. S. 113 (1940).

[105] *Ibid.* at p. 127.

[106] Cf. Dickinson, *loc. cit.*, above n. 72, pp. 562–567; Davis, *loc. cit.*, above n. 61, pp. 755–783.

[107] 189 U. S. 86 (1903).

[108] 198 U.S. 253 (1905).

That the distinction between deportation and exclusion is not always a sure touchstone by which to determine the right to hearing and judicial review is illustrated by *Ludecke v. Watkins*,[110] decided in 1948 under a statute enacted in 1798. The statute provided in part:

> Whenever there is a declared war between the United States and any foreign nation or government, . . . and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and the degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom. . . .[111]

Under the authority of this Act the President directed the removal from the United States of all alien enemies "who shall be deemed by the Attorney General dangerous to the public peace and safety of the United States." The Attorney General, in turn, directed the removal of Ludecke in an order which recited that Ludecke was deemed dangerous on the basis of evidence adduced at hearings before the Alien Enemy Hearing Board and the Repatriation Hearing Board. In affirming the denial of a petition for habeas corpus, Mr. Justice Frankfurter, speaking for the Court, apparently took the broad ground that the statute precluded judicial review either with respect to the fairness of the administrative hearing, if any, or to the sufficiency of evidence to support the findings. He rejected the due process challenge to the validity of the statute so construed on the ground that the war power, interpreted in the light of history, permitted the grant of such summary power to the President, whom "the Founders in their wisdom made . . . not only the Commander-in-Chief but also the guiding organ in the conduct of our foreign affairs."[112] The dissenters, Justices Black, Douglas, Murphy and Rutledge, disagreed on both statutory and constitutional grounds; they conceded that an alien enemy might be held in custody without a hearing during hostilities, but insisted that before his deportation the same due process considerations which had led the Court to imply the right to hearing and some measure of judicial review in ordinary deportation cases, were applicable.

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[109] 338 U. S. 537 (1950).

[110] 335 U. S. 160 (1948).

[111] 1 *Stat.* 577 (1798); 50 U. S. C.A. §21 (1928).

Thus consideration of the *Ludecke* case brings us back to the fundamental question: What are the due process considerations which underlie the right to a hearing before deportation? Of course, it may be said that deportation is a deprivation of the alien's liberty and that no person entitled to the protection of the Constitution may be deprived of his liberty without a fair hearing. But this begs the question, for if the alien is admitted to this country only upon the condition that he may be bundled out again whenever the Congress sees fit it might also be said that insistence upon that condition—exercise of the reserved right to throw the alien out—is not the deprivation of his liberty within the meaning of the due process clause. And if it be conceded, for the purposes of the argument that deportation is a deprivation of liberty, it might still be said that due process does not require that particular type of deprivation to be preceded by an administrative hearing the fairness of which is subject to judicial review. However, if the assumption of the deportation cases is that deportation of an alien under ordinary circumstances is a deprivation of liberty with respect to which requirements of fair hearing are applicable, why should there be no such requirement with respect to an alien enemy? To say with Mr. Justice Frankfurter that history provides the answer, is not altogether satisfying. Where grave constitutional issues are at stake, the historical answer may be persuasive, but we are not yet accustomed to accept it as conclusive, particularly if we cannot understand the reasons upon which it is based. Neither is it satisfying to say that deportation of an alien enemy involves an exercise of the war power, for we require other exercises of the war power to meet requirements of due process and specifically of fair hearing.

If the analysis is to be carried any further, it seems to require some consideration of the grounds of deportation. Mr. Justice Douglas, in his dissenting opinion in the *Ludecke* case, points our attention in this direction when he suggests: "The inquiry in this type of case need be no greater an intrusion in the affairs of the Executive Branch of government than inquiries by *habeas corpus* in times of peace into a determination that an alien is considered to be an 'undesirable resident of the United States.'"[113] The particular inquiry to which Mr. Justice Douglas referred concerned the fairness of the hearing and the sufficiency of the evidence upon which the Attorney General based his conclusion that the petitioner was "dangerous to the public peace and safety because he has adhered to a government with which the United States is at war or to the principle thereof." Thus deportation was being visited upon the petitioner not merely because he was an alien enemy, but because his own conduct in effect made him a particularly undesirable resident while the United States was at war. Further, it might be said that the matters involved in such an inquiry were of that delicate nature which must be kept largely confidential and with respect to which fair hearing and judicial review in the usual sense are intrinsically ill-adapted. But there is another aspect of the question which is perhaps even more fundamental. The standard or general principle upon which the Attorney General based his decision—namely whether the petitioner was dangerous to the public peace and safety because he had adhered to a government with which the United States is at war or to the principle thereof—was not, it will be recalled, laid down in the statute under which the Attorney General derived his authority. That statute left it entirely to the President's discretion to determine what alien enemies should be removed from the country. The President, it is true, in delegating his authority to the Attorney General directed the latter to remove only those aliens deemed "to be dangerous to the public peace and safety of the United States." This standard was, however, entirely a creation of the President which he could have revoked or modified at any time; he could, so far as the statute was concerned, have directed the Attorney General to remove all alien enemies, or as many as the Attorney General thought wise or feasible. Consideration of these possibilities, of course, suggests the question of whether the statute should not be regarded as an unconstitutional delegation of authority if it did not imply some standard to govern the President's action. The answer apparently implied in Mr. Justice Frankfurter's opinion is that the standard, if any, may be as general as this: The President may direct removal of an alien enemy for any reason which in the President's judgment will contribute to the successful conduct of the war. Such a standard, implied from the general context of the statute, would doubtless be sufficient, in the light of the President's broad constitutional powers as Commander-in-Chief and in the conduct of foreign relations, to satisfy any doubts with respect to the problem of delegation.

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[112] 335 U. S. at p. 173. Some of the considerations involved in the *Ludecke* case are very similar to those involved in *Chicago & Southern Airlines v. Waterman S. S. Co.*, 333 U. S. 103 (1948), where the Court—Justices Douglas, Black, Reed and Rutledge dissenting—held non-reviewable the denial of a certificate to engage in foreign air transportation because the order of the Civil Aeronautics Board required the approval of the President, whose decision involved considerations of foreign policy not necessarily reflected in the record of the hearing before the Board.

This much Mr. Justice Frankfurter seems to mean when he refers to the "vast powers in relation to the outside world" with which the President has been entrusted. But does this also answer all doubts that may arise with respect to the rights of the alien as an individual—and more particularly the rights of an alien enemy? Assuming that Congress could provide that all enemy aliens should be deported, does it follow that Congress may also provide that some enemy aliens shall be deported, leaving it to the unfettered discretion of the President to decide who shall stay and who shall go? Or does each enemy alien have a right to some equality of treatment as compared with all other enemy aliens?[114] And if he does have such a right to equality of treatment, does it not follow that the due process clause assures him the right to a hearing and to some measure of judicial review? In the last analysis, fair hearing is not a goal in itself; it is a means to an end. That end is fair treatment, or judgment according to some general standard which is being applied as equally as possible to all members of the class involved.

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[113] 335 U. S. at p. 186.

But, it may be contended that so far we have done nothing but change the form of the question, from whether the alien enemy has a right to a fair hearing to whether he has a right to equality of treatment with other enemy aliens. This contention is perfectly justified, and it is also true that the new form of the question does not automatically suggest the answer. It may, however, suggest other questions which ought to be faced before an answer is attempted. If the only standard which can be fairly read into the statute is "effective prosecution of the war" or its substantial equivalent, can it be seriously proposed that individuals have any right to equality of treatment in the application of that standard? And if we assume that there is such a right of equality with respect to deportation, what about the other measures authorized by the statute—"the manner and the degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted?" Mr. Justice Douglas apparently assumed that authority with respect to such restraint might be exercised without hearing, for he said: "The needs of the hour may well require summary apprehension and detention of alien enemies."[115] Why should an alien have any less right to equality of treatment in temporary custody, than in removal? In constitutional terms it might be said that the power of temporary detention is so necessary and the ultimate interference with individual liberty sufficiently restricted, that it is not a deprivation of liberty without due process to subject all enemy aliens to the risk of arbitrary detention by executive fiat, even though it is such a deprivation to subject the same aliens to a similar risk regarding deportation. But in terms of the statute it is difficult to make this distinction, for the same general standard, or substantial lack of one, is applicable to both situations. This fact may be a reason for saying that the statute is unconstitutional (in that it subjects enemy aliens to the risk of arbitrary executive action insofar as deportation is concerned), but it makes it difficult to justify judicial creation of different legislative standards where Congress has clearly made no such distinction.

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[114] These questions also suggest the unanswered question underlying the deportation cases in general. Do aliens have any constitutional rights to remain in this country or may Congress deport for any reason it deems sufficient, or for no reason? In *Bridges v. Wixon*, only Mr. Justice Murphy discussed these fundamental questions, asserting that the statutory grounds of deportation, affiliation with the Communist party, constituted a violation of the First Amendment (326 U. S. at 157–166). If there is no constitutional right to remain in the country, the explanation of *The Japanese Immigrant Case* must be that there is, nevertheless, a constitutional right to equality of treatment as compared with all other aliens, when the deportation power is exercised—just as Mr. Justice Rutledge and Mr. Justice Murphy asserted in the *Estep* case that, although there was no constitutional right to exemption from the draft, there was a constitutional right that the statutory exemptions be equally applied.

[115] 335 U. S. at p. 187.

Closely related to the problems of *Ludecke v. Watkins*, and in some respects even more difficult, are the questions with respect to fair hearing and judicial review presented in connection with the administration of the Executive Order establishing the Loyalty Program for federal employees.[116] The most fundamental of these questions were presented in several cases just recently decided by the Supreme Court. One of these cases, *Bailey v. Richardson*,[117] concerned a civil service employee discharged on the basis of a finding made pursuant to the Loyalty Order that reasonable grounds existed for the belief that she was disloyal to the government of the United States. In other cases[118] the particular issue was the right of an organization to notice and hearing before being included in the list, furnished by the Attorney General to the Loyalty Review Board, of organizations "which the Attorney General after appropriate investigation and determination, designates as totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means."[119] In the *Bailey* case, the employee was accorded a hearing in accordance with the provisions of the Loyalty Order, but she was not given the names or any other identifying characteristics of the persons who gave evidence against her, nor was she told exactly what that evidence was. Thus she was not accorded an opportunity to confront or cross-examine her accusers and the record of the hearing did not contain the evidence upon which the Board based its finding of reasonable grounds to doubt her loyalty. In the Association cases there was no formal hearing at all, the Attorney General's designation being based entirely on private investigation, without notice to the organizations concerned. In the *Bailey* case, the Supreme Court divided four to four, Mr. Justice Clark not participating, with the result that the decision of the lower court sustaining the discharge was affirmed, without any opinions being rendered in the Supreme Court. In the Association cases, however, judgments of the lower courts dismissing the complaints were reversed by a five to three vote, with each of the Justices comprising the majority writing an opinion of his own and no more than two joining in any one opinion, so that no opinion could be formally designated as that of the Court.

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[116] 12 Fed. Reg. 1935 (1947). For outstanding general discussions, see particularly Thomas I. Emerson and David M. Helfeld, "Loyalty Among Government Employees," *Yale Law Journal*, Vol. 58, pp. 1–143 (Dec., 1948); and William J. Donovan and Mary Gardiner Jones, "Program for a Democratic Counter Attack to Communist Penetration of Government Service," *Yale Law Journal*, Vol. 58, pp. 1211–1241 (July, 1949).

[117] The decision of the Supreme Court, affirming without opinion the decision of the Court of Appeals, was rendered on April 30, 1951. The decision of the Court of Appeals for the District of Columbia, Judge Edgerton dissenting, is reported at 182 F. 2d. 46.

[118] The cases were *Joint Anti-Fascist Refugee Committee v. McGrath*, *National Council of American Soviet Friendship, Inc. v. McGrath*, and *International Workers Order, Inc. v. McGrath*, all decided by the Supreme Court on April 30, 1951. The Supreme Court Opinions are reported in *United States Law Week*, Vol. 19, pp. 4232–4260 (May 1, 1951).

[119] Executive Order 9835, Part V, 2f.

There can be little doubt that the administrative hearing in the *Bailey* case violated accepted standards of fair procedure. The problem is, however, much more subtle and complex than the bald question of fair hearing. It must also be viewed in the context of the historically long-settled authority of the executive to exercise an unreviewable discretion in the selection and removal of government employees, at least so far as the federal government employment is concerned. Even the civil service laws did not change this basic conception of executive discretion in the management of government personnel. Although a member of the classified civil service is entitled to have charges preferred against him, assigning grounds for removal, and an opportunity to answer those charges, before removal, he is not accorded a full hearing in the sense of presentation of the evidence against him or opportunity to cross-examine witnesses opposing him;[120] and the Court has consistently ruled that judicial review is available only to determine whether the forms prescribed by law have been observed, not to consider whether there are reasonable grounds for the judgment of dismissal.[121]

Counsel for the petitioner in the *Bailey* case sought to bring their case within established principles by urging that the procedure followed in this particular case was contrary to the Executive Order itself. The basis for this contention was that the order provides that "The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for the belief that the person involved is disloyal to the Government of the United States."[122] The suggestion was that the phrase "on all the evidence" clearly implied that decision must be made on a record which would include all the evidence to be considered, and that this record would be open and available to the employee concerned. Other provisions of the order, such as the one that "the investigative agency may refuse to disclose the names of confidential informants, provided it furnishes sufficient information on the basis of which the requesting department or agency can make an adequate evaluation of the information furnished by them, and provided it advises the requesting department or agency in writing that it is essential to the protection of the informants or to the investigation of other cases that the identity of the informants not be revealed,"[123] were harmonized with this theory of interpreting them as referring to the preliminary investigation preceding the formal hearing at which all evidence to be relied upon was to be introduced. The difficulty with this analysis of the Executive Order is that the very requirement quoted above, that the investigative agency furnish sufficient information about confidential informants to enable the requesting department to evaluate their reliability, indicates that such confidential information was to play a part in the decision. Furthermore, other parts of the order are so specific in detailing rights of the employee at the hearing, such as the "right to appear before such board in person, to be accompanied by counsel or representative of his own choosing, and to present evidence on his behalf, through witness or by affidavit"[124] that they carry a strong implication of deliberate omission of other rights customarily associated with fair hearing.

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[120] 5 U. S. C.A. 652 (1950). Section 5 of the Administrative Procedure Act specifically excepts from its requirements "the selection or tenure of an officer or employee of the United States other than examiners appointed pursuant to Section 11," but the exemption is probably unnecessary in view of the explicit provision of the Civil Service Law that "No examination of witnesses nor any trial or hearing shall be required. . . . "

[121] See, e.g., *Eberlein v. United States*, 257 U. S. 82 (1921); *Keim v. United States*, 177 U. S. 290 (1900).

[122] Executive Order 9835, Part V, 1.

[123] Part IV, 2.

It might also conceivably have been argued that the Loyalty Board itself did not fulfill its responsibilities under the order because it did not insist on sufficient identification of the informants to make an "adequate evaluation of the information furnished by them." This is indicated by the answers to questions from counsel for Mrs. Bailey about the union activities of the informants, when the Chairman remarked: "I haven't the slightest knowledge as to who they were or how active they have been in anything."[125] It is doubtful, however, that a court, without itself having access to the confidential information, would be in a position to hold that there was such a failure by the Board; and no satisfactory method has yet been developed whereby the judiciary could properly share the confidences of the executive.[126]

Assuming that there was no violation of the requirements of the Loyalty Order itself involved in the procedure reflected in the *Bailey* case, we come to the question whether there was a violation of due process justifying judicial intervention solely on constitutional grounds. Counsel for the petitioner, apparently recognizing the great weight of authority that has accumulated against a due process requirement of fair hearing in the ordinary case of dismissal of civil service employees, argued that the loyalty determinations presented a special situation involving the imposition of a bar sinister, disqualifying the person from public employment, as well as discharging him from the particular job. In this respect, counsel argued, it was essentially similar to the barrier against federal employment which the Court struck down as a bill of attainder in the *Lovett* case.[127] The analogy is, of course, an imperfect one. The statutory provision in the *Lovett* case explicitly barred the individuals concerned from further Government employment unless they were appointed by the President with the consent of the Senate, even though the particular position to which they were being appointed did not ordinarily require such procedure. The order of the Loyalty Review Board did originally include a three-year bar against future government employment, but that provision was held invalid by the Court of Appeals and was eliminated from the case. It was contended, however, that the finding of disloyalty was just as effective as a bar to further employment, even though the explicit provision to that effect was eliminated.

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[124] Part II, 2a.

[125] Quoted in Brief for Petitioner in the Supreme Court, pp. 8–9.

[126] In *Chicago & Southern S. S. Corp. v. Waterman*, above n. 112, the significance of confidential information was one of the factors mentioned by Mr. Justice Jackson, in the opinion for the Court, as militating against reviewability of the order (333 U. S. at p. 111). Cf. Robert Haydock, Jr., "Evidentiary Problems Posed by Atomic Energy Security Requirements," *Harvard Law Review*, Vol. 61, pp. 468–491 (Feb., 1948).

[127] *United States v. Lovett*, 328 U. S. 303 (1946).

The crucial question in the *Bailey* case was whether a loyalty determination could be treated as essentially different from any other kind of determination of eligibility or qualification for government service. In this connection, the Government argued that other grounds of dismissal from federal service may involve questions of moral turpitude just as damaging to reputation as disloyalty (bribery, for one), and yet no exception from the general procedures has been required for such cases. It may nevertheless, be suggested that a discharge on account of bribery, for example, is not accompanied by a finding of dishonesty in general, which is understood by all concerned, under the terms of a generally applicable Executive Order or other regulation, to operate as bar to any further employment in the Government. This suggestion might be supported with the further argument that, even though there is no constitutional right to a position in the Government, there is a constitutional right not to be declared ineligible for government service on grounds that are clearly discriminatory. Thus it would probably be generally admitted that exclusion of any one racial group or religious denomination from eligibility for government service by general statute or regulation, would be a violation of due process, because of its discriminatory character.[128] This seems to demonstrate that it is a dangerous oversimplification to say that because no one has a constitutional right to be a government employee, there can be no violation of constitutional right in the conditions of eligibility for government service. And it provides the basis for the argument that just as Congress may not constitutionally impose a clearly discriminatory condition with respect to eligibility for public employment, it may not impose or authorize, without violating due process, basically unfair procedures for the application of otherwise fair and appropriate standards of eligibility.

If this approach were adopted, the inquiry would shift to the question of whether the procedure was essentially fair in the light of the standard to be applied and the nature of the investigation to be conducted. In this view, it would not necessarily follow that the same procedural standards would be applicable to a loyalty investigation as to a question of technical competence. With respect to the latter, it is at once obvious that the customary paraphernalia of an adversary proceeding would be highly inappropriate. When the problem is one of character fitness in general or loyalty in particular, the same conclusion does not necessarily follow. There are, however, other difficulties, particularly those involved in reconciling the usual standards of fair hearing with the requirements of confidentiality in cases where secret agents have been used. In the *Knauff* case Mr. Justice Frankfurter suggested that this difficulty might be avoided by holding hearings in camera;[129] but if the objective is to keep the names of the secret agents or confidential informants away from the suspected employee, because he in turn might disclose them to confederates, this would hardly be a satisfactory solution. Counsel for Miss Bailey suggested that a solution might be found in granting full hearings in all cases where a non-sensitive agency was concerned, reserving for the sensitive position the procedure of separation from the service as a bad security risk, without hearing, but without any finding of disloyalty or any implication of a bar against other types of federal employment. This might be a wise solution; but it is not easy to defend the distinction as a matter of due process, except perhaps on the theory that the finding of disloyalty, rather than the consequence of loss of employment, is the real damage, and that the infliction of such damage to one's reputation and standing in the community, with all its attendant consequences, may not constitutionally be accomplished by governmental authority without all the safeguards of due process.

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[128] Cf. *United Public Workers v. Mitchell*, 330 U. S. 75 (1947).

The cases involving the designation of a particular organization as subversive by the Attorney General were, of course, closely related to the employee discharge cases, such as the *Bailey* case, but they also had certain peculiar problems of their own. One problem presented at the threshold of their consideration was that of justiciability, arising from the circumstance that designation of an organization as subversive does not itself imply any further consequences, in the form of governmental action, so far as either the organization itself is concerned or its members, except insofar as they may be government employees and called upon to account for their membership in the organization. Although this question of justiciability is in a sense a technical procedural question, it is also one of the most significant in determining the real operative effect of the substantive doctrines of both constitutional and administrative law. In the particular instance of the Association cases, it would be meaningless to speak of a due process right to a hearing on the part of the organization before being listed as subversive, if there were no recognition of the right of the organization to sue the responsible government officials either for a declaratory judgment or for an injunction on the basis of damages suffered from publication of the list. Realistically, perhaps, the question of a right to hearing and a right to sue cannot be treated as separate questions at all. In any event, the ultimate question is whether damages suffered through such public branding are sufficiently serious and direct to provide the basis for a judicially enforceable right to a hearing under the due process clause. If the significant element of damage in the individual employee case is the public branding of disloyalty, rather than the loss of a job, it would seem to follow that the basic problem in both the organization and the employee cases was the same, with the possible exception that the organizations had not sought government employment or approval and so had not voluntarily subjected themselves to the official stamp of disapproval.

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[129] See p. 374 above and n. 109; 338 U. S. at p. 549.

Most of the foregoing considerations were explored in the various opinions rendered in the Association cases; indeed several of those opinions were frankly directed at the issues in the *Bailey* case as well as those presented in the cases in which they were formally delivered. All of the five justices comprising the majority (Justices Black, Frankfurter, Douglas, Jackson and Burton) agreed that the organizations had a legal interest sufficient to present a justiciable controversy, either in protection of their own reputation or in protection of the interests of their members. Four of the five (Justices Black, Frankfurter, Douglas and Jackson) squarely embraced the proposition that the listing of the organizations as subversive without opportunity for hearing constituted a denial of due process. These four also made it clear they would apply the same principle to the case of an individual employee found disloyal without an opportunity for hearing, although Mr. Justice Frankfurter noted that the question in the individual employees cases was not whether a hearing was required but whether the particular type of hearing granted was sufficient. The three dissenting justices (Chief Justice Vinson and Justices Reed and Minton), in an opinion delivered by Mr. Justice Reed, did not directly rest upon the non-justiciability of the controversy, but nevertheless rejected the claim of due process upon the ground that there was no deprivation of life, liberty, or property accomplished by the governmental action under attack. Their opinion also clearly implied a similar position with respect to any due process claim by an employee discharged on grounds of disloyalty. Only Mr. Justice Burton succeeded in avoiding the due process issue by placing his concurrence on the extremely narrow ground that the Attorney General, in conceding for purposes of litigation the truth of the allegations of the complaints that the organizations were not in any way subversive, in effect admitted that he had acted arbitrarily and therefore outside of the authority of the Executive Order. The narrowness of Mr. Justice Burton's opinion suggests that it was he who deserted the majority in the Association cases so as to create the even division of the Court in the *Bailey* case, since there the Government did not admit any of the comparable allegations of the complaint. Whether Mr. Justice Burton's position is so narrow that it might be avoided merely by more careful pleading or whether it requires the Government to justify the designation on the merits by evidence in open court, still remains to be seen.

The temptation is great to seek for some formula, or at least some general principle, which will provide a key for answering questions as difficult as those presented in the loyalty cases. If there is such a key, it has eluded the present writer. So far as the requirements of due process are concerned, even if we accept the constitutional principles espoused by Mr. Justice Rutledge and Mr. Justice Murphy in the *Estep* case, and almost embraced in the opinion of the Court by Mr. Justice Douglas, they are not necessarily applicable where there is no criminal enforcement of a statutory penalty and the damage to reputation is incidental to the exercise of discretionary authority over the governmental establishment. On the other hand, to adopt the position that only when the Government undertakes to enforce its will through judicial sanctions is there a constitutional right to hearing and judicial review, would result in exposure to arbitrary punishment in many instances as devastating as more orthodox judicial sanctions.

That the Supreme Court has no intention of surrendering so completely its responsibility for protection of the individual from arbitrary exercise of governmental authority is indicated by the suggestion in *Reilly v. Pinkus* that the withdrawal of mailing privileges constitutes a sanction of far greater severity than the issuance of a cease and desist order by the Federal Trade Commission, prior to which due process undoubtedly requires a hearing. But the Supreme Court has never directly considered the question whether there is a constitutional right to hearing and judicial review with respect to mail fraud orders, nor explained exactly how such orders differ from the denial of certain other government benefits such as veterans' pensions, with respect to which administrative finality apparently prevails.[130] Of course, it might be said that withdrawal of mailing privileges reduces one below the level of the community as a whole, while the withdrawal of veterans' benefits constitutes only loss of a preferred position. But this is far from suggesting that the boundaries between the two classifications are sharply defined or that their recognition exhausts all pertinent considerations. At what point the withdrawal of the benefits becomes in effect the imposition of a penalty is not immediately apparent. Consideration of the importance of preserving effective discretion in the management of the governmental establishment, comparable to the exercise of similar discretion in the conduct of military or foreign affairs, as well as the importance of preserving the confidential character of the underlying investigations—elements already emphasized in previous decisions—must be weighed against the punitive characteristics of the particular decision, whether it be the withdrawal of mailing privileges on the basis of a finding of fraud or a determination of ineligibility for government service on grounds of disloyalty.

III. SUMMARY

Despite the broad coverage of the Administrative Procedure Act, the heart of American administrative law continues to be in the application of the due process clause. This is particularly evident in such instances as the holding in the *Wong Yang Sung* case that the hearing provisions of the Act apply when due process considerations, rather than the explicit statutory language, require the hearing. Now that immigration and deportation proceedings are explicitly exempted from the Administrative Procedure Act, the protection of due process is all the more significant in that field. The same is true with respect to the great area of emergency controls under the National Defense Production Act, even though in considerable measure such controls are beyond the normal processes of judicial review. But even where the Administrative Procedure Act does clearly apply, the generality of many of its provisions leaves much to be supplied in accordance with considerations which have dominated the due process questions of adequate notice and fair hearing. And without attempting to explore comparable state law in any detail, one may say the same in general of the State Administrative Procedure Acts, most of which follow the pattern of the Model Administrative Procedure Act approved by the Commissioners on Uniform State Laws.[131]

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[130] Cf. *Van Hooke v. Hines*, 122 F. (2d) 207 (C.A.D.C. 1941), certiorari denied; 314 U. S. 689 (1941), with *Pike v. Walker*, above n. 29.

But to say that due process considerations are dominant is far from suggesting any touchstone of decision. The path of substantive due process has never been crystal clear, and it would be naïve to expect anything different from procedural due process. Nevertheless, certain general tendencies may be noted. With the waning of substantive due process as a significant protection against governmental regulation, it is not surprising that there should be a concomitant increasing emphasis on procedural due process to provide as much protection as possible against arbitrary governmental action, without interfering with the necessity of administrative discretion in the final exercise of judgment.[132] It also seems likely that there will be some tendency to extend judicial review into new areas which have been hitherto practically immune from it, irrespective of the ultimate resolution of such complex problems as those arising from the Loyalty Program. This extension may be accompanied by a sharper delineation between the limited review imposed primarily because of due process considerations, in the type of situation illustrated by the draft and immigration cases, as compared with statutory review under the substantial evidence rule, as expounded in the *Universal Camera* and *Pittsburgh* cases. But whatever may be the resolution of such particular questions, the proliferation of governmental controls which seems to be our inescapable fate—whether to furnish the sinews of war or to aid in the creation and preservation of a peaceful international community—will continue to provide new problems in the clash of public and private rights, and in the distribution of responsibility for their solution among the different organs of government.

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[131] See Augustus N. Hand, Stason, Fuchs, *et al.*, Symposium on State Administrative Procedure, *Iowa Law Review*, Vol. 33, pp. 193–375 (Jan., 1948).

[132] See Fuchs, "Administrative Determinations and Personal Rights in the Present Supreme Court," *Indiana Law Journal*, Vol. 24, pp. 163–194 (Winter, 1949); Schwartz, "Procedural Due Process in Federal Administrative Law," *New York University Law Review*, Vol. 25, pp. 552–578 (July, 1950).

JOHN LOCKE: PHILOSOPHY AND POLITICAL THEORY

WALTER M. SIMON
Stanford University

The relationship of the world of ideas to the world of events would appear to be securely established today. It is generally acknowledged that ideas "have consequences," and that in turn they are themselves consequences of events. But recent preoccupation with this problem has perhaps obscured an equally fruitful field of investigation, namely, that of the horizontal relationship among ideas in different areas of thought. I propose to examine here the relationship and the consistency between John Locke's general philosophy and his political theory. In the main, this task resolves itself into a comparison and correlation of the *Essay Concerning Human Understanding*, Locke's chief philosophical work, with his *Second Treatise of Civil Government*, his principal work in political theory; but I have made use also of other writings.

My problem has been considerably complicated by Lock's failure to commit himself unequivocally on several of the most crucial questions to be discussed. He frequently used imprecise language, and, regrettably, sometimes made plainly contradictory statements. These lapses reflect a deep-seated unwillingness in Locke to pursue a line of thought to an unattractive conclusion, both in philosophy and in political theory. In these circumstances, the present investigation turns to some extent into an endeavor to determine whether Locke exhibits *the same* inconsistencies and ambiguities in the two fields of thought.

For example, to explain the moral basis of government and of the duty of obedience to it, Locke vacillates between the utilitarian purposes of men in originally forming a government and "Natural Law," which is antecedent and superior to man-made laws. Is it possible to discover any counterpart to this hesitation in Locke's general position on morality?

This problem may serve as the first topic of investigation. Locke's Social Contract, the basis for his entire political system, is founded on the desire of men to leave the state of nature:

> The inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. . . . And in this we have the original right and rise of both the legislative and executive power, as well as of the governments and societies themselves.[1]

The "ends of political society and government" are stated in entirely practical terms. From this voluntary union of men into organized society Locke derives his celebrated doctrine of "government by consent":[2] the government is the servant of the people, its function to do their bidding, its power a "fiduciary power to act for certain ends" determined by them; and therefore, ultimately, "there remains still in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust reposed in them," that is to say, when they "invade this fundamental, sacred, and unalterable law of self-preservation for which they [the people] entered into society. . . ."[3]

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[1] J. W. Gough (ed.), *The Second Treatise of Civil Government and A Letter Concerning Toleration* (Oxford, 1946); *Treatise*, 127. All citations of the *Treatise* or of *A Letter Concerning Toleration* are to this edition. Numerals refer to sections, not to pages, of the *Treatise*.

[2] J. W. Gough, in Ch. 3 of *John Locke's Political Philosophy: Eight Studies* (Oxford, 1950), points out some limitations on Locke's devotion to this doctrine.

In this reasoning there is no indication of any higher organizing principle behind the formation and maintenance of a state than the wishes of those who become its members. Hence, justifiably, Locke's theory of the state is often called mechanical, in contrast to the "organic" theories commonly held before him.[4] But it appears that it was not merely men's practical desire to escape the "incoveniences" of the state of nature that motivated their banding together in a community. The fundamental law of self-preservation turns out to be the fundamental law *of nature*,[5] which operated even in the state of nature.[6] Therefore it must have been in obedience to this law, as well as to their own wishes, that men formed societies in which self-preservation might be better ensured. Furthermore, "the obligations of the law of nature cease not in society, but only in many cases are drawn closer . . . . the law of nature stands as an eternal rule to all men. . . ."[7] Clearly, according to Locke, the law of nature has such power over men's actions, both in the state of nature and in organized society, that no human law is valid which contravenes it. The state fulfils a higher purpose than that of eliminating the "inconveniences" of the state of nature, namely, that of facilitating compliance with natural law.

It is under natural law, moreover, that men are endowed with natural or innate rights, among them political rights. For example, people have a "native right . . . to have such a legislative over them as the majority should approve and freely acquiesce in."[8] But Locke has already justified majority rule on grounds of expediency: "where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again."[9] The postulation of majority rule as a "native right" may seem gratuitous if no society can function without it.[10]

Most students of Locke will, in fact, agree that he places a greater emphasis on the practical and utilitarian motives and sanctions of men's political behavior than on any higher metaphysical basis.[11] The pattern is one of predominant utilitarianism with an admixture of metaphysics. A similar pattern can, I think, be shown to exist in Locke's treatment of the problem of morality in his general philosophical system.

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[3] *Treatise*, 149. Cf. Gough, *Locke's Political Philosophy*, Ch. 7.

[4] See T. D. Weldon, *States and Morals: a Study in Political Conflicts* (New York and London, 1947).

[5] *Treatise*, 135.

[6] *Ibid.*, 6.

[7] *Ibid.*, 135.

[8] *Ibid.*, 176.

[9] *Ibid.*, 98.

[10] A compromise formula is suggested, in characteristically vague terms, in the last sentence of *Treatise*, 96.

[11] If this were not so, natural law in Locke would be comparable to Rousseau's general will, and Locke would be as vulnerable as Rousseau to accusations of lending involuntary theoretical support to totalitarian systems of government ("forcing men to be free," etc.). Such an accusation has, in fact, been leveled by a dissenter, Willmoore Kendall, in "John Locke and the Doctrine of Majority Rule," *Illinois Studies in the Social Sciences*, Vol. 26, Urbana, 1941, pp. 112–113, and *passim*. For criticism of Kendall's position, see Gough, *Locke's Political Philosophy*, Ch. 2. Cf. also Otto Gierke, *Natural Law and the Theory of Society, 1500 to 1800* (Sir Ernest Barker trans.; Cambridge, 1934), Vol. 1, p. 128.

At first glance, one would be tempted to say that there is very little to distinguish Locke's position from Bentham's: "Things . . . are good or evil, only in reference to pleasure or pain."[12] Therefore:

> Moral good and evil . . . is only the conformity or disagreement of our voluntary actions to some law, whereby good or evil is drawn on us, from the will and power of the law-maker; which good and evil, pleasure or pain, attending our observance or breach of the law by the decree of the law-maker, is that we call reward and punishment.[13]

In other words, a good action is one which is rewarded, an evil action is one which is punished; there is no absolute standard of good and evil. Locke makes this explicit: "the various and contrary choices that men make in the world do not argue that they do not all pursue good; but that the same thing is not good to every man alike."[14]

But all the time Locke undermines this thorough-going utilitarianism with an entirely different approach. Early in the essay he speaks of "the true ground of morality; which can only be the will and law of a God. . . ."[15] Pleasure and pain accompany actions only because God "has been pleased to join to several thoughts, and several sensations a perception of delight."[16] God, in Locke's system, seems to be in control of the utilitarian machinery:

> God has given a rule whereby men should govern themselves . . . and he has power to enforce it by rewards and punishments of infinite weight and duration in another life . . . by comparing them to this law, it is that men judge of the most considerable moral good or evil of their actions; that is, whether, as duties or sins, they are like to procure them happiness or misery from the hands of the Almighty.[17]

The result of God's rule is that men are not really free to pursue good each in his own way; there are, after all, such absolute standards of approved behavior that

> he that will not be so far a rational creature as to reflect seriously upon *infinite* happiness and misery, must needs condemn himself as not making that use of his understanding he should. The rewards and punishments of another life, which the Almighty has established, . . . are of weight enough to determine the choice, against whatever pleasure or pain this life can show. . . .[18]

At the head of Locke's calculus of pleasures, and separated from the rest by a wide gap, are the pleasures of the next world.[19]

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[12] Alexander Campbell Fraser (ed.), *An Essay Concerning Human Understanding* (2 vols.; Oxford, 1894), II, xx, 2. All citations of the *Essay* are to this edition (in which perhaps it should be noted that the Introduction is *not* Chapter i of Book I). Numerals refer to books, chapters, and sections.

[13] *Ibid.*, II, xxviii, 5. I am omitting, here and elsewhere, Locke's prolific italics.

[14] *Ibid.*, II, xxi, 55.

[15] *Ibid.*, I, ii, 6.

[16] *Ibid.*, II, vii, 3.

[17] *Ibid.*, II, xxviii, 8. Cf. Fraser's note to this passage, Vol. 1, p. 475, n. 5.

[18] *Ibid.*, II, xxi, 72 (italics Locke's).

[19] But cf. *Essay* II, xxviii, 11: "nothing . . . so directly and visibly secures and advances the general good of mankind *in this world*, as obedience to the laws he [God] has set them . . ." (italics mine).

In this way, therefore, Locke introduces a metaphysical or theological element into an ethical system predominantly secular. The final result is neatly summed up by Sir Leslie Stephen: "the will of God is to be inferred . . . by observing what causes produce the greatest amount of happiness. The imagination is thus satisfied by a supposed absolute basis, though the decision in any given case is left to experience."[20] This statement accurately describes the situation in Locke's political theory as well, where the "supposed absolute basis" is the law of nature. The analogy is clear when it is recalled that, ultimately, the law of nature is nothing but a declaration of the will of God.[21]

But we are not done with the law of nature. For many philosophers there would be no further difficulty; but Locke is celebrated, above all, for his rejection of "innate ideas," which occupies, indeed, the whole of the first Book of the *Essay*. This is the doctrine of the *tabula rasa*, or blank sheet of paper, according to which men are born without any knowledge of any kind. All knowledge is acquired through gradual experience. How, therefore, it may be asked, in the absence of innate *ideas*, can Locke assume every man to have knowledge of the law of nature, which informs him of his innate *rights*, common to all men regardless of their experiences? Such an assumption, it is charged, is a violation of Locke's own methodological rules.[22]

This view fails to take account of Locke's insistence on the demonstrability of moral knowledge: "moral knowledge is as capable of real certainty as mathematics."[23] Morality is "amongst the sciences capable of demonstration. . . . "[24] Since natural law is moral law, it is on these premises demonstrable, i.e. knowable with certainty, without being *automatically* known to everybody. How, then, does a man come to know it? Locke replies: "by the use and due application of our natural faculties." It is "a law knowable by the light of nature."[25] This, of course, does not help us much, since now we want to know what the light of nature is. To this question Locke offers only the answer that the light of nature is a combination of sensation and reason, which in collaboration lead men to a knowledge of God and thence to a knowledge of natural law, which is his will.[26] And since all men possess sense perception and reason, all men may acquire knowledge of natural law.

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[20] *History of English Thought in the Eighteenth Century* (New York, 1876), Vol. 2, p. 137.

[21] *Treatise*, 135.

[22] For example, George H. Sabine, *History of Political Theory* (New York, 1937), p. 530: "Locke's philosophy as a whole presented the anomaly of a theory of the mind and a procedure in describing it which was generally empirical, joined to a theory of the sciences and a procedure in political science which was rationalist." I should say, rather, that Locke throughout his thinking was partly empirical and partly rationalist, no doubt reflecting the dual legacy of Bacon and Descartes.

[23] *Essay*, IV, iv, 7.

[24] *Ibid.*, IV, iii, 18.

[25] *Ibid.*, I, ii, 13. Cf. Gough, *Locke's Political Philosophy*, pp. 11–12.

[26] This explanation of "the light of nature" has recently been discovered among Locke's manuscripts in the Lovelace Collection. See Gough, *Locke's Political Philosophy*, pp. 12–15; and cf. *Essay*, I, ii, 1: "moral principles require reasoning and discourse, and some exercise of the mind, to discover the certainty of their truth."

This is, no doubt, a philosophically unsatisfactory answer, especially since Locke admits that "some men's faculties far outgo others."[27] But at least it rescues him from the charge of introducing innate moral ideas into his political theory; the certainty of moral law is asserted, on similar grounds, in both the *Essay* and the *Treatise*, without recourse to innate ideas.

It was Locke's denial of innate ideas, of course, on which he based his entire theory of knowledge. He constantly emphasized experience as the ultimate source of all knowledge, and he may be justly regarded as the father of empirical epistemology and philosophy. Like most pioneers of thought, he was, however, unable to break completely with the intellectual tradition of his day. Thus, while his *Essay* abounds in denunciations of *a priori*, deductive reasoning,[28] he was, as the test cases discussed in the preceding pages show, not altogether free from this type of reasoning himself.

His thinking reflected in great part that of the natural science of his day,[29] which was still struggling to develop an integrated empirical methodology. Throughout his life he was close to the scientific movement centered in the Royal Society, and he was a good friend of Robert Boyle and of the great Sir Isaac Newton. Moreover, Locke himself had early been interested in the practice of medicine, perhaps the branch of science which had travelled farthest on the road to reliance on observation. He chose the following medical example when he wanted to illustrate the meaning of empiricism:

> What we know of the works of nature, especially in the constitution of health, and the operations of our own bodies, is only by the sensible effects, but not by any certainty we can have of the tools she uses, or the ways she works by. So that there is nothing left for a physician to do, but to observe well, and so, by analogy, argue to like cases, and thence make to himself rules of practice . . .[30]

The structure of the *Second Treatise of Civil Government* is, in general, faithful to these precepts. Locke's procedure is to build on the basis of what is known, with constant reference not only to internal consistency, but also to concrete circumstances as they are encountered in the course of the discussion. There are frequent illustrations and "arguments by analogy." If Locke was not willing to regard politics altogether as a practical problem like medicine ("True politics," he admitted finally, "I look on as a part of moral philosophy"[31]) and therefore introduced such rationalist concepts as natural law, he strayed no farther from the path of empiricism in his politics than he did in his philosophy, or than the scientists did in their own realm.

In fact, Locke not only adopted a large part of the scientific method, but many of the scientists' conclusions as well. The most relevant of these for our purposes is the seventeenth-century atomistic view of the universe. Locke's friend Robert Boyle was an enthusiastic exponent of this theory, and Locke himself wrote succinctly: "sensible bodies are made of . . . unconceivable small bodies or atoms, out of whose various combinations bigger moleculae are made; and so by a greater and greater composition bigger bodies. . . . "[32] The emphasis is on the parts, not on the whole. Cohesion in the universe is shallow, temporary and unstable. Thus "our specific ideas of substances are nothing else but a collection of a certain number of simple ideas, considered as united in one thing."[33] Now among the substances or bodies which independently of each other populate the universe, are the bodies of men.[34] Men, therefore, are inherently just as unrelated to each other as all other phenomena.

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[27] *Essay*, IV, xvii, 11.

[28] For example, the subject occupies the whole of Book IV, Ch. vii.

[29] It will be recalled that science in the seventeenth century was commonly called "natural philosophy."

[30] Letter of Locke to Molyneux, Jan. 20, 1693, in Locke's *Works* (London, 1794), Vol. 8, pp. 464–465.

[31] Letter to the Earl of Peterborough, 1697, cited in Lord King, *The Life of John Locke* (London, 1830), Vol. 1, p. 9.

Locke translated this atomistic theory into political terms. In the state of nature, "all men are naturally in . . . a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature. . . ." As a corollary, men are in principle also equal.[35] The effects of these attributes of men on their formation of a society and on the nature of the society once formed, are stated in plainly atomistic terms:

> Men being . . . by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. . . . When any number of men have . . . consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest. . . . For that which acts any community being only the consent of the individuals of it, and it being necessary to that which is one body to move one way, it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority. . . .[36]

Here is the essence of the Social Contract and of Locke's voluntarist theory of the state.[37] The political equivalent of atomism is individualism. Society is made up of independent or "atomic" individuals, who have voluntarily instituted a government to promote the welfare of the society. Interestingly enough, the same holds true of churches:

> A church . . . I take to be a voluntary society of men, joining themselves together of their

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[32] *Elements of Natural Philosophy* (Whitehaven, 1764), p. 55.

[33] *Essay,* II, xxiii, 14. In Locke's epistemology, as will be shown below, simple ideas corresponded to single units of sense data. Locke is saying here that our understanding of the assembly of atoms into larger bodies is a result of the mental process of collecting simple ideas. Cf. *Essay,* II, xxiv, 1–3.

[34] Cf. F. J. E. Woodbridge, "Some Implications of Locke's Procedure," in *Essays in Honor of John Dewey* (New York, 1929), p. 417.

[35] *Treatise,* 4. The limitation imposed by the last clause in the quotation is the subject of the discussion above, p. 387.

[36] *Ibid.*, 95–96. Note the use of such concepts as motion and force, borrowed from the natural sciences.

[37] In an early writing, *An Essay Concerning Toleration,* Locke altered a passage describing men as "growing into a commonwealth" to read "entering into a commonwealth." Gough, *Locke's Political Philosophy,* pp. 188–189, and especially n. 1, p. 189.

own accord in order to the public worshipping of God in such manner as they judge acceptable to him, and effectual to the salvation of their souls.[38]

This religious application of individualism is particularly important, for here it invades the very source itself of the "organic" aspects of Locke's system. Although individualism could hardly be more plainly stated than in the passages above, we are still plagued by Locke's concept of natural law, which limits not only empiricism as a political method, but also individualism as a political tenet, since men's natural rights, guaranteed by natural law and common to all, obviously restrict the freedom of their relations with each other. And since natural law is a declaration of the will of God, in the last resort it must be recognized that, whether we are concerned with Locke's utilitarianism, his empiricism, his individualism, or almost any other aspect of his thought, there is always a point beyond which he will not pursue an argument: that is the point where no further concession can be made to a thoroughgoing secularism. Locke, again like Boyle and Newton and almost all the scientists of his day, never thought for a moment of abandoning religion.

The importance of all this for the present investigation is that this combination of intellectual radicalism and traditionalism[39] permeated both Locke's philosophy and his political theory. Wherever an inconsistency appears in his political thinking which reflects remnants of the metaphysical systems to which he was so opposed, a corresponding inconsistency can usually be found in his general philosophy. Generally speaking, God is Locke's philosophical cohesive principle, to correspond to natural law as his political cohesive principle.[40] To the extent that the universe is "organized" by God, political society is with Locke still organic. Just as Locke's philosophy is *predominantly* secular, with God appearing frequently but at a distance, so natural law in his political thought is a kind of backdrop against which the really vital decisions and actions in society take place.

We have not yet, however, reached the core of Locke's philosophy, his theory of knowledge. Apart from the intuitive knowledge we have of our own existence, we have, in keeping with Locke's theology, a demonstrative knowledge of the existence of a God; but "of the existence of anything else, we have no other but a sensitive knowledge. . . ."[41] Of objects in the world about them—or substances, as Locke called them—men know nothing except the data they receive through their senses, and what their minds are able to do with them.

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[38] *A Letter Concerning Toleration,* p. 129. (Note that this is not the *Essay* referred to in n. 37.) F. S. C. Northrop, in *The Meeting of East and West* (New York, 1946), p. 83, offers an ingenious but possibly facile linking of atomism with Locke's teaching on *property.*

[39] See in this connection the reference to Locke in J. H. Randall, Jr., "David Hume: Radical Empiricist and Pragmatist," in Sidney Hook and Milton R. Konvitz (eds.), *Freedom and Experience: Essays Presented to Horace M. Kallen* (Ithaca and New York, 1947), p. 292.

[40] Cf. George Santayana, *Some Turns of Thought in Modern Philosophy* (Cambridge, 1933), p. 7.

[41] *Essay,* IV, iii, 21.

But Locke taught further that this knowledge is far from reliable, that men cannot be certain of having the correct information regarding substances. Here again, he drew heavily upon contemporary scientific thinking. He was impressed with the scientists' emphasis on hypotheses, and insisted, like them, that the atomic explanation of the external world was no more than a hypothesis which "is thought to go furthest in an intelligible explication . . . ; and I fear the weakness of human understanding is scarce able to substitute another. . . . "[42]

It is, nevertheless, atomism on which Locke's skepticism as to the scope of man's knowledge of the external world is based; for the atoms which are the essential units of matter are not accessible to the senses: "our senses . . . are scarce acute enough to look into the pure essences of things."[43] Locke distinguishes, in his theory of knowledge, between objects and the information about objects which men receive; and the latter he calls ideas: "bodies produce ideas in us . . . by impulse," acting through their qualities. A quality is "the power to produce any idea in our mind." Locke distinguishes further between primary and secondary qualities. The primary qualities of an object are solidity, extension, figure and mobility; all other qualities are secondary. Primary qualities are "such as are utterly inseparable from the body, in what state soever it be," while secondary qualities are merely "powers to produce various sensations in us by their [the objects'] primary qualities." The result, so far as man's knowledge of objects is concerned, is that "the ideas of primary qualities of bodies are resemblances of them, and their patterns do really exist in the bodies themselves, but the ideas produced in us by these secondary qualities have no resemblance of them at all."[44]

Now the reason for this difference is the atomic structure of the bodies, about which we have "but very obscure and confused ideas. . . . "[45] Since

> insensible corpuscles [are] the active parts of matter, and the great instruments of nature, on which depend not only all their secondary qualities, but also most of their natural operations, our want of precise distinct ideas of their primary qualities keeps us in an incurable ignorance of what we desire to know about them. I doubt not but if we could discover the figure, size, texture, and motion of the minute constituent parts of any two bodies, we should know . . . several of their operations one upon another . . . . But whilst we are destitute of senses acute enough to discover the minute particles of bodies, and to give us ideas of their mechanical affections, we must . . . be ignorant of their properties and ways of operation. . . .[46]

If we could penetrate to knowledge of the atomic structure, on which the sensible qualities of bodies depend, "I doubt not but they would produce quite different ideas in us: and that which is now the yellow colour of gold, would then disappear, and instead of it we should see an admirable texture of parts, of a certain size and figure."[47] Because of men's limited sensory capacity, objects are presented to their minds in bundles, instead of singly; that is, the mind immediately combines the simple ideas given through the senses into complex ideas, establishing relationships between the objects supposedly represented by the simple ideas. But this process of the mind is arbitrary, with the relationships established not necessarily the correct ones; and since reliable knowledge depends on correct appraisal of such relationships, men can have very little certain knowledge concerning the world about them. In Locke's words,

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[42] *Ibid.*, IV, iii, 16. [43] *Ibid.*, II, xiii, 25.

[44] For Locke's teaching on primary and secondary qualities, see *Essay*, II, viii, 8–15.

[45] *Ibid.*, II, xxix, 16. [46] *Ibid.*, IV, iii, 25.

[47] *Ibid.*, II, xxiii, 11.

> whilst our complex ideas of the sorts of substances are so remote from that internal real constitution on which their sensible qualities depend, and are made up of nothing but an imperfect collection of those apparent qualities our senses can discover, there can be few general propositions concerning substances of whose real truth we can be certainly assured. . . .[48]

Nor is there any prospect of widening the scope of our knowledge, "it being perhaps no absurdity to think that this great and curious fabric of the world, the workmanship of the almighty, cannot be perfectly comprehended by any understanding but his that made it . . . ."[49] All that we can say about the processes by which objects produce ideas in the mind is that God "has annexed effects to motion which we can no way conceive motion able to produce. . . . "[50] No amount of human striving can ever penetrate beyond the bounds of our inadequate experience. "Certainty and demonstration are things we must not, in these matters, pretend to."[51] Therefore:

> Natural philosophy, as a speculative science, I think, we have none. . . . The works of nature are contrived by a wisdom, and operate by ways, too far surpassing our faculties to discover, or capacities to conceive, to be ever reduced into a science.[52]

Locke acquiesces in, rather than rebels against, these limitations to human knowledge. In general, men are capable of attaining all the knowledge that is good for them: "the certainty of things existing *in rerum natura* when we have the testimony of our senses for it is not only as great as our frame can attain to, but as our condition needs."[53] Locke therefore urges that men abandon their futile attempts to break through the eternal boundaries of knowledge, and instead work contentedly and systematically within them; for although we cannot attain certainty regarding most things in the external world, we can attain probable knowledge, and "probability . . . is sufficient to govern all our concernments."[54] Far from discouraging the pursuit of natural science, which, indeed, he himself continued to his last years, he looks forward to the development of scientific techniques which will enable men to judge probabilities more accurately. He means, of course, the experimental method: "a man, accustomed to rational and regular experiments, shall be able to see further into the nature of bodies, and guess righter at their yet unknown properties, than one that is a stranger to them."[55] But he emphasizes that this is merely guessing. Care and caution are necessary in building hypotheses; "we should not take doubtful systems for complete sciences . . . ."[56]

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[48] *Ibid.*, IV, vi, 10.

[49] Cited in A. G. Gibson, *The Physician's Art: an Attempt to Expand John Locke's Fragment De Arte Medica* (Oxford, 1933), p. 20 (spelling modernized).

[50] *Essay*, IV, iii, 6.

[51] *Ibid.*, IV, iii, 26.

[52] Letter of Locke to Edward Clarke, Feb. 8, 1686, cited in Benjamin Rand (ed.), *The Correspondence of John Locke and Edward Clarke* (London, 1927), p. 156. Cf. the almost identically phrased passage in "Some Thoughts Concerning Education," *Works*, Vol. 8, pp. 182–183.

[53] *Essay*, IV, xi, 8.

[54] *Ibid.*, Introduction, 5.

Based on atomism, therefore, and leading to empiricism, Locke built a theory of knowledge stressing the uncertain and hypothetical nature of almost all knowledge about the external world. When he turned his attention to that aspect of the external world which is called politics, Locke followed the precepts of his epistemology. He refrained from dogmatic utterances to an almost irritating extent: he refused to pronounce decisions on a number of the most important political problems which he raised. Most notably, of course, he declined to define precisely the contingencies in which popular revolution against the government would be justified.[57] Similarly, he would not express a definite preference for any one form of government over others.[58] In general—and apart always from such areas as might be covered by the law of nature—he considered laws fallible and relative to the needs of the particular society. Laws are necessary, since law is the foundation of all community life; but they are not divine dictates: "laws . . . are the will of the society. . . . "[59]

But perhaps the most important political corollary of Locke's philosophical conclusion that certain knowledge is impossible to attain, was the concept of toleration. If all knowledge in political, and also in religious, matters has no more than probable validity, then there is no justification for failure to tolerate dissenters:

> Since . . . it is unavoidable to the greatest part of men, if not all, to have several *opinions* without certain and indubitable proofs of their truth . . . , it would, methinks, become all men to maintain peace, and the common offices of humanity, and friendship, in the diversity of opinions . . . .We should do well to commiserate our mutual ignorance, and endeavour to remove it in all the gentle and fair ways of information; and not instantly treat others ill, as obstinate and perverse, because they will not renounce their own, and receive our opinions, . . . when it is more than probable that we are no less obstinate in not embracing some of theirs.[60]

This principle of toleration derives, however, from two other sources in Locke's philosophy besides epistemological skepticism. It derives also, first, from Locke's teaching on the source of error in human thinking. Error is the result of an incorrect grouping of ideas in the mind, a grouping, that is, of ideas which have no "natural correspondence and connexion one with another," but which are connected only by force of habit or by chance.[61] By this Locke means that if two ideas by chance regularly occur together in a man's experience, he will soon associate them with each other and will expect them always to occur together. As an example of what may result from this process of association, Locke cites what he says is a true story concerning a man who developed difficulties after taking dancing lessons. It so happened that the lessons took place in a room in which a trunk was standing. The man learned to dance very well, but found himself unable ever to dance in a room in which there was no trunk.[62] Locke's explanation of error is thus fundamentally psychological. It results from exposure to misleading education or experience: "the difference to be found in the manners and abilities of men, is owing more to their education than to anything else . . . ."[63] "It is not easy for the mind to put off those confused notions and prejudices it has imbibed from custom, inadvertency and common conversation."[64] From such an analysis of error it is a reasonable conclusion that differences of opinion should not be penalized.[65]

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[55] *Ibid.*, IV, xii, 10. Cf. "Some Thoughts Concerning Education," *Works*, Vol. 8, p. 186: "the incomparable Mr. Newton has shown, how far mathematics applied to some parts of nature, may, upon principles that matter of fact, justify, carry us in the knowledge of some . . . particular provinces, of the incomprehensible universe."

[56] *Ibid.*, IV, xii, 12. [57] *Treatise*, 242. [58] *Ibid.*, 132.

[59] *Ibid.*, 214. [60] *Essay*, IV, xvi, 4.

Locke's doctrine of toleration is based, secondly, on his philosophical nominalism, which also has close connections with his association psychology. Nominalism is another facet of Locke's teaching that experience comes to man in the form of simple ideas, which the mind then compounds for use into complex ones; and that, accordingly, the words used to describe the content of a complex idea in fact describe the result of a mental process, not a sense datum corresponding directly or indirectly (depending on whether it is produced by a primary or by a secondary quality) with some object in the external world. This is, above all, true when the mind attempts to generalize from particular experiences to universal propositions, for

> *general* and *universal* belong not to the real existence of things; but are the inventions and creatures of the understanding, made by it for its own use, and concern only signs, whether words or ideas. . . . When therefore we quit particulars, the generals that rest are only creatures of our own making; their general nature being nothing but the capacity they are put into, by the understanding, of signifying or representing many particulars. For the signification they have is nothing but a relation that, by the mind of man, is added to them.[66]

Words and language are tools invented by men for their use; they have no deeper philosophical basis, and cannot be used to settle speculative arguments.

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[61] *Ibid.*, II, xxxiii, 5.

[62] *Ibid.*, II, xxxiii, 16.

[63] "Some Thoughts concerning Education," *Works*, Vol. 8, p. 27.

[64] *Essay*, II, xiii, 28.

[65] It seems justifiable to ask whether Locke does not, however, to some extent jeopardize his whole teaching on toleration by treating error as objectively determinable, suggesting the existence of correspondingly objective truth.

[66] *Essay*, III, iii, 11.

Words are mere names, hence the word nominalism.[67] Locke asks: "Who . . . has established the right signification of the word, gold? Or who shall be the judge to determine?"[68]

To perceive the political implications of nominalism, one has only to substitute the word "state" for the word "gold." Locke himself pointed out that the medieval scholastics, who in his opinion had abused words by making them the objects of philosophical speculation, had not "stopped in logical niceties," but that their practice "hath invaded the great concernments of human life and society. . . . "[69] He was referring especially to those political discussions of the scholastics which were likely to turn on verbal definitions of "the good state," instead of on matters of substance. Locke and the nominalists would not accept a definition as permanently valid, but would (if they were consistent) be open to persuasion by convincing new arguments. And because the discussion theoretically would never be closed among nominalists, there would be no basis for not tolerating minority opinions.[70]

I think it is fair to conclude from this survey thus far that Locke's major philosophical doctrines find their approximate counterparts in his political theory. This does not preclude some discrepancy on a few less important points.

For example, Locke is generally optimistic regarding human nature. This point of view is manifest not only in the well-known picture of man in the state of nature, but also in Locke's political and economic liberalism, implying as they do the confident assumption that, by and large, men can handle their political problems adequately without higher guidance, always excepting natural law. On the other hand, in common with all converts to the Copernican astronomy, Locke had a strong conviction of the littleness of man as opposed to the infinite vastness of the universe. But if mankind is so insignificant, how can it be trusted to formulate its own laws and to run its own affairs merely by the light of its own negligible intelligence and unworthy desires? To a certain extent Locke disarms this criticism by implying that, though men may be insignificant, so are their problems:

> The infinite wise Contriver of us, and all things about us, hath fitted our senses, faculties, and organs, to the conveniences of life, and the business we have to do here. We are able,

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[67] Locke taught that all that men could know about substances was their "nominal essence," not their "real essence"; the realists believed that men could know the latter too. (See *Essay*, III, iii, 15–17.)

[68] *Ibid.*, III, ix, 13.

[69] *Ibid.*, III, x, 12.

[70] Locke indicated something of the connection between nominalism and toleration, especially on matters of politics or religion: "it would become us to be charitable one to another in our interpretations or misunderstandings of . . . ancient writings; which . . . are liable to the unavoidable difficulties of speech. . . . And in discussions of religion, law and morality . . . there will be the greatest difficulty" (*Essay*, III, ix, 22). For an excellent brief discussion of the political implications of nominalism and realism (or, as he prefers to call it, "essentialism"), see K. R. Popper, *The Open Society and Its Enemies* (London, 1945), Vol. 2, pp. 8–20.

> by our senses, to know and distinguish things: and to examine them so far as to apply them to our uses, and several ways to accommodate the exigencies of this life.[71]

Still, one does not feel that he has satisfactorily disposed of the contradiction.

A second head under which one may charge Locke with inconsistency is his neglect, in practice, of the element of change in society which he acknowledged in theory: "Things of this world are in so constant a flux that nothing remains long in the same state."[72] He attached importance, in theory, to the study of history as the discipline which deals with the changing facets of human affairs, declaring, in fact, that "nothing teaches . . . more than history."[73] At another time he wrote:

> I would not be thought . . . to lessen the credit and use of history: it is all the light we have in many cases, and we receive from it a great part of the useful truths we have. . . . I think nothing more valuable than the records of antiquity: I wish we had more of them, and more uncorrupted. . . .[74]

Nevertheless, despite this assertion of the importance of change, and despite these protestations of interest in history, Locke's political theory remains essentially unhistorical. He uses historical examples to strengthen single arguments here and there (including, of course, the famous account of the transition out of the state of nature, which he, at least, considered historically sound); but fundamentally he makes little allowance for the way in which societies have actually come to be what they are. Even more important, he makes no allowance of any importance for *future* changes in his "civil government."[75] There is no specified provision for amending the constitution, and change by revolution is justified only when the existing manner of governing is abused, not when changes in the form of government are demanded by the people and refused. It would seem that Locke has no adequate conception of the problems of change and development, and that in the main he "lived provincially in the age to which . . . [he] belonged. . . . "[76]

The apparent contradictions are, however, minor matters compared to the issues on which a more or less complete consistency between Locke's two systems of thought has been demonstrated.[77] This consistency surmounts the fundamental dualism in Locke because the latter is common to both his philosophy and his political theory. Locke's original compromise between the radical empiricism of Bacon and the new rationalism of Descartes drove him into epistemological dualism between mind and matter. Corresponding to this basic philosophical dualism runs the political parallelism between politics as "moral knowledge," or as a demonstrative science, and politics as a secular discipline governed by utilitarian values and productive of probable knowledge only. The latter dualism is reflected in Locke's construction of an ideal state based on natural law and natural rights as well as on pragmatic considerations, and in the fact that his civil government was both a Utopia and a practical alternative to Stuart rule.[78]

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[71] *Essay*, II, xxiii, 12. This passage recalls, of course, Locke's general acquiescence in the extent of human understanding.

[72] *Treatise*, 157.

[73] "Some Thoughts Concerning Education," *Works*, Vol. 8, 175.

[74] *Essay*, IV, xvi, 11.

[75] He did allow for reapportionment of seats in the legislature to avoid the development of what have since been called "rotten boroughs" (*Treatise*, 157–158).

[76] Norman Kemp Smith, *John Locke (1632–1704)* (Manchester, 1933), p. 16.

[77] Cf. George H. Sabine, *History of Political Theory*, p. 529: "It is exceedingly difficult to understand exactly what Locke believed to be the philosophical justification for his theory of natural rights, or in other words to see how he meant to unite his political theory with his general philosophical position."

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[78] On the question of Locke as an "apologist" for the Glorious Revolution, recently much debated, see the judicious appraisal of Gough, *Locke's Political Philosophy*, Ch. 6. Some of my final paragraph was suggested by C. H. Driver, in "John Locke," in F. J. C. Hearnshaw (ed.), *The Social and Political Ideas of Some English Thinkers of the Augustan Age, A.D. 1650–1750* (London, 1928), p. 86.

DIRECT LEGISLATION: AN APPRAISAL AND A SUGGESTION

JOSEPH G. LAPALOMBARA
Oregon State College

AND

CHARLES B. HAGAN
University of Illinois

I

The United States has now had a half-century's experience with the process customarily denominated direct legislation. The phrase usually means, and is so used here, the power of the electorate to participate in the law-making function by voting for or against particular proposals submitted at regular or special elections. The proposals may have originated in the legislative assembly or they may have been submitted through the action of the electorate. There are other procedural details in which the processes in particular states may vary, but here the concern is with the general operation of the system. Perhaps more attention has been devoted to that situation in which the legislature has the option of submitting a proposal or not as it sees fit. It is not thought, however, that this detail would cause any serious difference in the conclusions that are drawn here or the suggestions that are made.

Direct legislation has been associated with the Progressive movement which was active at the turn into the present century. The movement was a protest against a number of activities which were prevalent among the states at that time. One of the protests alleged that the legislatures had become wholly "corrupt" and that consequently it was necessary to "clean" them up. This line of analysis also postulated that the people were "incorrupt" and that if given the opportunity they would "purify" the political activity of their states and even the nation. Direct legislation was looked upon as one of the most significant means by which these goals were to be accomplished.

All of the goals to which the progressives aspired were doubtless morally superior to those of their opponents, but an examination of this question is irrelevant to the study here undertaken. In the course of the debates that accompanied the adoption of the reforms and even thereafter there were many critics of the direct legislative devices. Manifestly, the devices had their supporters since they have been adopted, in one form or other, in nearly half of the states. Concern here is with the opponents and the lines of argument which were developed to frustrate the reforms.

The method of approach has been to state succinctly the proposition which summarizes the core of the opposition's argument and then to analyze in some cases the meaning of the proposition. In every instance the effort has been made to examine the proposition as to its validity in the light of a half-century's experience. It has been assumed that the experience in the states would be a valid test of the predictions that were made. In other words, the study has proceeded on the proposition that the "... success or failure is to be determined not on *a priori* reasoning but by actually testing how they work under varying conditions. . . ."[1] The data is derived from the detailed studies of the operation of direct legislation in the states of California, Colorado, Michigan, Oregon, and Washington.[2] The evidence from all of these states, as will be shown, points to the same conclusion.

II

1. *The Constitutional Question:* Not long after direct legislation had been established in Oregon, its constitutionality was questioned in the state and federal courts. The first initiative measure to be thus questioned was a special assessment for municipal street improvement, adopted in Portland in 1903. The assessment measure was attacked on the grounds that the initiative procedure was unconstitutional, the plaintiffs contending that direct legislation destroyed Oregon's republican form of government as provided for in Article IV, section 4, of the United States Constitution. The plaintiffs' implication was, clearly, that a republican government was, by definition, one in which the legislative function was performed exclusively by a representative assembly.

The Supreme Court of Oregon refused to accept this contention, stressing that:

> No particular style of government is designated in the Constitution as republican, nor is its exact form in any way prescribed. A republican form of government is a government administered by representatives chosen or appointed by the people or by their authority. . . . Now the initiative and referendum does not destroy the republican form of government and substitute another in its place. The representative character of the government still remains. The people have simply reserved to themselves a larger share of the legislative power.[3]

This decision did not satisfy the opponents of direct legislation, but not until 1912 was the question carried to the United States Supreme Court—this time in connection with another case. However, the highest tribunal upheld previous state court decisions by ruling that the question was purely political and not, therefore, within that Court's competence to decide.[4]

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[1] Article by Theodore Roosevelt reprinted in W. B. Munro, *The Initiative, Referendum and Recall* (New York, 1912), pp. 63–64.

[2] Two excellent and relatively recent studies of direct legislation are those by V. O. Key and W. W. Crouch, *The Initiative and Referendum in California* (Berkeley, 1939) and J. K. Pollock, *The Initiative and Referendum in Michigan* (Ann Arbor, 1940). In addition the reader may consult C. O. Johnson, "The Initiative and Referendum in Washington," *Pacific Northwest Quarterly*, Vol. 36, pp. 29–63 (January, 1945); J. D. Barnett, *The Operation of the Initiative, Referendum, and Recall in Oregon* (New York, 1915); Colorado Legislative Reference Service, *The Initiative and Referendum in Colorado* (1940); Waldo Schumacker, "Thirty Years of the People's Rule in Oregon: An Analysis," *Political Science Quarterly*, Vol. 47, pp. 243–258 (June, 1932); Max Radin, "Popular Legislation in California," *Minnesota Law Review*, Vol. 23, pp. 559–584 (April, 1939); W. W. Crouch, "The Constitutional Initiative in Operation," AMERICAN POLITICAL SCIENCE REVIEW, Vol. 33, pp. 634–639 (August, 1939); J. G. La Palombara, *A Study of the Initiative and Referendum in Oregon, 1938–1948* (Corvallis, 1950).

[3] *Kadderly v. Portland*, 44 Ore. 145 (1903).

These previous state decisions refer to a number of cases following the *Kadderly Case* in which Oregon's supreme court elaborated and clarified its original position. Two cases in 1910 made very clear that the court would no longer entertain the charge that Oregon's representative government has been destroyed. In one of them, a novel idea regarding the nature of the state's legislative power was suggested:

> By the adoption of the initiative and referendum in our Constitution, the legislative department of the state is divided into two separate and distinct law-making bodies. There remains, however, as formerly, but one legislative department of the state. It operates, it is true, differently from before—one method by the enactment of laws directly, through that source of all legislative power, the people; and the other, as formerly, by their representatives—but the change thus wrought neither gives nor takes from the Legislative Assembly the power to enact or repeal any law, except in such manner and to such an extent as may therein be expressly stated. Nor do we understand that it was ever intended that it should be so. The power thus reserved to the people merely took from the legislature the exclusive right to enact laws, at the same time, leaving it a coordinate legislative body with them. This dual system of making and unmaking laws has become the settled policy of the state.[5]

In the other 1910 decision, the supreme court referred to republican government as defined by Madison in the thirty-ninth number of *The Federalist*.[6] In the light of this definition, the court could not conceive of a government which was more republican than was Oregon's. Said the court, ". . . it seems inconceivable that a state, merely because it may evolve a system by which its citizens become a branch of the legislative department, coordinate with their representatives in the legislature, loses caste as a republic."[7]

It may be true that the men who framed the United States Constitution, having some knowledge of various early experiments in pure democracy, rejected popular lawmaking as unworkable and undesirable. For whatever reasons, a system of state and national legislatures composed of elected representatives was established. However, the establishment of such a system seems to offer no conclusive reason for asserting that a system wherein the legislative function is exercised jointly by an assembly and the electorate would constitute a destruction of republican government.[8]

Admittedly, the establishment of the initiative and/or the referendum in Oregon (and eventually in twenty-one other states) did constitute a formal modification of representative government. However, no one would seriously question the proposition that, ever since it was instituted in America, representative government has been in the process of change. The developments of practices associated with political parties probably marked innovations more significant than any formal changes that have yet appeared.

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[4] *Pacific States Telephone and Telegraph Co. v. Oregon*, 233 U. S. 118 (1912).

[5] *Straw v. Harris*, 54 Ore. 430 (1910).

[6] See the Modern Library edition, pp. 243–244.

[7] *Kiernan v. Portland*, 54 Ore. 474 (1910).

[8] Professor C. J. Friedrich has suggested that direct legislation itself possesses a representative quality since it is exercised by the electorate on behalf of all the people and since the electorate is represented by those people actually participating in the popular lawmaking function. See his *Constitutional Government and Democracy* (Boston, 1946), pp. 545–546.

Early in United States history extensive power had been placed in the state legislatures as a reaction against the strong colonial governors. For a century the results of this representative government frequently proved disappointing. Professor Lowell's comment that "Representative assemblies have not proved senates of unfailing wisdom . . ."[9] was a sardonic formulation of a widely held view in 1914. And the "muckrakers" did much to point up the fact that assemblies could be just as disdainful of some portions of the electorate and just as partial to the pressure of "special" interests as the colonial governors ever were.

A reaction against a most unsavory situation was thus a probability,[10] and it came in the form of a redistribution of governmental powers. This time, however, the dominant portion of the electorate decided to place some of the policy-determining powers in the hands of an agency that they felt would provide a more accurate measure of political views. This agency was the electorate and the processes were the initiative and referendum.

Many were those who challenged the validity of this attempted solution to the problem of "misrepresentative" democracy. The contention that the people themselves were responsible for the decline of legislative morality was reiterated by many serious students;[11] but, as Henry Jones Ford aptly observed, to place the blame on the people was to place it nowhere. One could expound at length the shortcomings of an electorate in a democracy and could suggest countless theories whereby the people could be educated to choose their representatives wisely, but political institutions could not be permitted to rot while this evolutionary transformation was taking place.[12]

"If representative government is spurious—if windbags and blackguards gain control—then it will be impervious to public opinion. This in turn will bring a violent reaction for reform which will be opposed with vehemence by the vested interests."[13] Such a situation had developed in Oregon and the people did indeed react.[14] Most of the vociferous opposition came from the vested interests that had for many years controlled the legislature. Out of this opposition came the early charges that representative government was being destroyed and the counter charges that it was being renovated.

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[9] A. L. Lowell, *Public Opinion and Popular Government* (London, 1914), p. 130.

[10] A. B. Hall, *Popular Government* (New York, 1921), p. 121, pointed out that "When the public discovered the extent of legislative incompetence and corruption that had resulted from popular indifference it was but human nature for them to seek a veto upon legislative power and the creation of an alternative device."

[11] See, among others, Lowell, *op. cit.*, p. 139; Munro, *op. cit.*, p. 2. H. J. Ford, in *Representative Government* (New York, 1924), pp. 287–288, pointed out that direct legislation had proved ruinous to the ancient Greeks and Romans and that it was partially responsible for the Reign of Terror which followed the French Revolution.

[12] *Ibid.*, pp. 153–155. Ford found many defects in the initiative and referendum, and was, therefore, in favor of some other system of checking the elected representatives. *Cf.* J. Allen Smith, *The Spirit of American Government* (New York, 1907), p. 354, who considered the initiative essential to the ability of the people to mold the policy of the state. Only through the transfer of legislative power to the electorate would the government be truly representative, i.e., responsible to the people.

Viewed objectively today, it must be concluded that the reform's opponents could not substantiate their claim.[15] Even if the assembly itself were abolished, it would still not be an absolute indication that the Federal Constitution had been violated. If, in the final analysis, sovereignty does reside with the people, then it must follow that they have the power to expand or limit the functions of a governmental agency whose very existence is at the will of that sovereignty. A people would be inviting tyranny if it were conceded that they could not define the scope of power of an agency which came into existence as an expression of popular sovereignty.[16]

In spite of the early predictions of the demise of representative democracy in those states which adopted direct legislation,[17] the historical evidence would indicate that the fears were, to put the matter mildly, exaggerated. State legislatures continue to pass the overwhelming number of statutes enacted in states having the initiative and referendum. In fact, as had been predicted by those in favor of direct legislation, the use, or threatened use, of popular checks has made the legislature more respectful of the wishes of the people. It is out of this situation, however, that another major criticism of direct legislation arises.

2. *Destruction of Legislative Responsibility:* This line of criticism postulates that the power to enact direct legislation creates timidity in the legislature, resulting in a situation in which the legislators prefer ". . . to refer what they fear to enact."[18] There is, of course, an element of truth in this assertion. Although the mind of each legislator who votes to refer particular legislation to

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[13] Ford, *op. cit.*, p. 305.

[14] For a revealing study of the factors leading to the adoption of direct legislation in Oregon, see P. T. Culbertson, *A History of the Initiative and Referendum in Oregon*, unpublished doctoral dissertation (Eugene: University of Oregon, 1941), Ch. 1.

[15] Early studies in Oregon and elsewhere refuted this claim. See, for example, Barnett *op. cit.*, p. 166; C. A. Beard and B. E. Schultz, *Documents on the State-Wide Initiative, Referendum and Recall* (New York, 1912), p. 23.

[16] The Oregon Supreme Court followed this reasoning in the *Kiernan Case*, above, pp. 474–475, when it concluded that "The extent to which a legislature of any state may enact laws is, and always has been, one of degree, depending upon the limitations prescribed by its constitution; some constitutions having few and others many limitations. But in all states, whatever may be the restrictions placed upon their representatives, the people, either by constitutional amendment or by convention called for that purpose, have had, and have, the power to directly legislate, and to change all or any laws so far as deemed proper—limited only by the clear inhibitions of the national constitution."

[17] See, for example, Munro, *op. cit.*, pp. 25–26; A. H. Eaton, *The Oregon System* (Chicago, 1912), pp. 114–118.

[18] E. P. Oberholtzer, *The Referendum in America* (New York, 1911), p. 476. As recently as 1948 the referendum was referred to as "a 'buck-passing' device by which the legislature may evade its responsibility for making decisions" (*The Book of the States, 1948–1949* [Chicago, 1948], p. 156).

the electorate would have to be open to inspection in order to detect the real reason for such action, it can be assumed that some of the extremely controversial legislation referred to the Oregon electorate since 1902 constituted issues which the legislature considered "too hot to handle."[19]

This contention imagines that there is one best solution to the making of laws. It may just as logically be imagined that there are more ways than one and that each is of equal merit. On the second imagined condition, it would then be said that the legislature is obligated to submit to the electorate those measures concerning which the legislature had doubts as to its ability to represent accurately the electorate's opinion. Failure to submit such measures could be characterized as the destruction of legislative responsibility. However, the meaning of responsibility is then open to question and some of the ambiguity is thought to rest therein. Responsibility can and does mean two distinct notions in this area of discussion. First the term is appropriated from British political practices, where it has a precise and clear meaning. Those practices do not resemble the arrangements and understandings through which the American system operates. This meaning therefore has little relevance to the American scene. The second meaning which can be detected is that the legislative action is unwise and therefore irresponsible. This proposition is discussed more fully later in this paper, but here it is proper to say that it creates more ghosts than it destroys. In any event, this meaning has no relevance to the general thesis of this portion of the argument.

Moreover this attack on direct legislation has been greatly exaggerated. It is true that in Oregon the optional referendum is used more today than it was in the early period, but an examination indicates that more of the statutes which have been referred were controversial. In these times of increasing legislative activity, it is significant that only a minute portion of the total number of bills considered by the legislature have been submitted to the electorate. This is true of several of the states in which direct legislation has been put to its greatest use.[20] The studies which have been conducted in these states indicate that the legislatures have not utilized the referendum to escape making final decisions on policy matters.

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[19] In his study of the early Oregon experience with direct legislation, Barnett, *op. cit.*, pp. 169–170, concluded that the optional referendum was "vicious in that it may tempt the assembly to shift the responsibility for the enactment of legislation, for which it has been chosen, back upon the electors, and also to add to the already overloaded ballot." In addition to this he pointed out that the optional referendum permitted the assembly to circumvent the governor's veto, since that power does not apply to referred measures. The latter argument is mainly curious.

[20] Out of a total of 365 proposals submitted to the Oregon electorate in 24 general and 12 special elections, the legislature was responsible for 148, of which 106 were constitutional amendments referred by compulsion and 42 were legislative measures submitted at its option. On measures which it failed to submit, the obligatory referendum was invoked by the people 42 times. In Michigan, the voters considered 84 proposals in 26 elections from 1910 to 1939. Of these, 56 out of 79 amendments were referred by the legislature and one out of five statutes were referred. See Pollock, *op. cit.*, Ch. 3. Over the period 1914 to 1944, the Washington legislature submitted 31 amendments, 4 statutes by compulsory referendum and 5 statutes at its option. This makes a total of 40 submissions out of 94 proposals considered by the electorate in 18 general elections. See Johnson, *loc. cit.*, pp.

Submission of controversial measures is the precise condition under which the optional referendum should be made to function. What better means exist for securing the most accurate expression of popular opinion toward a particular measure? Perhaps some of the referred statutes could more satisfactorily have been disposed of by the assembly; but who can say categorically which of those referred would fall into this classification? The answer to such a query would certainly have to be vague and inconclusive on the main point.

To obviate completely the possibility of the legislature's shirking its responsibility (in the first sense indicated above) would entail the abolition of the optional referendum. This would in turn probably result in a much greater use of the obligatory referendum, and would, ultimately, also involve the abolition of the practice of referring proposed amendments to the electorate, since most of the legislative submissions have involved changes in the organic laws rather than statutory proposals.

The evidence does not warrant such drastic action at this time. Legislative ✓ responsibility is not destroyed when elected representatives seek an expression of public opinion on problems which they find difficult to resolve. Perhaps, as Burke put it, the function of representatives should be that of protecting the interests of their constituents against the opinions of the constituents. On the other hand, experience has taught that direct legislation can do much toward preventing the legislator from confusing his own interest with that of the public.

3. *Multiplicity of Measures:* Related to the foregoing criticism is the contention that direct legislation would be overused by the electorate and the legislature. Out of this situation, it was surmised, would result: (1) the excessive submission of proposals to the electorate, (2) the submission of non-fundamental or complex issues beyond the capacity of the electorate to resolve intelligently, (3) the encouragement of the tendency to vote "no," (4) the development of voter fatigue because of the longer ballot, (5) the needless repeated submission of issues defeated regularly at the polls, and (6) the high cost of direct legislation as measured by the results achieved.

Oregon's experience, and that of four other states that have liberally used direct legislation, would hardly indicate that the voters have put the initiative and referendum to excessive use. The total number of measures submitted in any one year has always constituted a very small proportion of the total

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54–63. California's experience indicates that out of 325 proposals submitted to the electorate from 1912 to 1936, the legislature was responsible for 192 proposed amendments and 13 statutes. See Key and Crouch, *op. cit.*, Ch. 6. In Colorado the legislature, up to the general election of 1938, had not exercised its option to submit legislation. It was responsible, however, for having proposed 32 of the 73 constitutional amendments considered in addition to the submission of three questions regarding the calling of a state constitutional convention. See Colorado Legislative Reference Service, *op. cit.*

number of bills passed by the legislature.[21] In addition it is important to note that from a total of 986 statutes and constitutional amendments submitted to the voters of Oregon, Washington, California, Michigan, and Colorado in 115 general and special elections, only 511, or 51.8% of the issues were proposed by popular petition.[22]

There have been instances in all of these states where the number of proposals at one election was exceptionally large. Generally speaking, this occurred in the early stages. Illustrative of this situation was Oregon's general election of 1912, in which 37 state-wide proposals were submitted, and the general election of 1914, in which 29 proposals appeared on the ballot. Since the early period, however, it is a rare election in which the voter has been called upon to pass on more than a dozen proposals.[23] ✓

That some of the measures submitted have been non-fundamental or complex there can be no doubt; every direct legislation state has had its share of these. It is difficult to understand how anyone can demand that the electorate inform itself thoroughly and vote intelligently on some of the financial proposals, pension plans, liquor laws, and gambling schemes that are regularly presented to the Oregon electorate. In some instances, the wording of the bill or constitutional amendment is made complex because of the nature of the issue; in others, such as the liberal liquor and gambling laws which are tied to the support of social welfare, a deliberate effort has been made to mislead the voter; in still others, the ballot title, which in Oregon is restricted to less than one hundred words cannot properly represent the real import of a fifteen or twenty thousand word proposal; and, in some instances, failure of a public official to do an adequate job of phrasing a proposal may mislead the voter.[24] Thus, a simple transfer of six million dollars from the income tax reserve fund to the general fund was defeated in Oregon's last general election, perhaps because of the extremely vague and technical manner in which the proposition was worded.

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[21] This is true even of California, where an average of 22.8 proposals was submitted at the thirteen general elections between 1912 and 1936. See Key and Crouch, *op. cit.*

[22] In Oregon the average has been 59.4%; in California, where the legislature has been very active in submitting constitutional amendments, the average has been 37%. In Colorado and Washington, on the other hand, the electorate accounted for 73.5% and 61.7% of the total submissions respectively, as compared with 32% in Michigan.

[23] In Michigan the greatest number of proposals submitted at any one election was 8 in the general election of 1932. The voters in that state have been called upon to vote on 3.2 proposals per election from 1910 to 1939. In Washington the greatest number of submissions came in 1914, at which time 10 proposals appeared on the ballot. The average number of proposals per election in this state was 5.2 up to 1944. In California, where the average number of submissions per election has been the highest, the voters disposed of 48 proposals in 1914. Pollock, *op. cit.*, pp. 17–18; Johnson, *loc. cit.*; Key and Crouch, *op. cit.*, p. 538.

[24] Oregon's 1948 pension plan gave the voter no indication on the ballot that it would cost the state more in one year than the existing revenues would bring in over a two-year period. In addition, the bill made no provision for deriving funds to cover the cost of the plan.

Many writers have suggested that highly complex measures predispose the voter to vote "no." There is no evidence that would tend to substantiate this conclusion in Oregon.[25] The voter has had no qualms about passing on highly technical pension plans, such as the one adopted in 1948, anti-picketing legislation, liquor and gambling control laws, and the like. What one is likely to find from an investigation of the behavior of Oregon's electorate is a rejection of proposals about which it entertained serious doubts rather than a capricious negative opinion. That in many cases the opinions have been influenced by other factors is self evident, but the appeals which are made are usually much more rational than the exhortation "When in doubt, vote 'no.' "

It has also been suggested that the presence of many complex proposals, or the inclusion of many ordinary proposals, will discourage the voter from participating in the direct legislative function. Indeed, the advocates of the short ballot principle are inclined to consider the added burden placed on the voter by direct legislation the greatest shortcoming of this institution.[26]

An analysis of the behavior of the Oregon electorate over the last ten years has indicated that voter fatigue has not operated as might be expected. The greatest popular participation, excluding special elections, has taken place in those instances when the greatest number of proposals have appeared on the ballot.[27] Nor is there any indication that the voter will be less inclined to mark a complete ballot as the number of proposals increases. Most of the measures which received the largest number of total votes appeared in the last three ballot positions.[28] The same is true of those proposals receiving the second and third largest number of votes cast. Fatigue appears to be a minor consideration when an indignant voter seeks to cast a ballot for or against a liquor bill, gambling proposal, sales tax, or pension plan.

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[25] Key and Crouch, *op. cit.*, p. 536, concluded that the California electorate has not been stampeded to vote "no" by those who advocate such procedures. Pollock's study, *op. cit.*, pp. 50–51, indicated that outside of one or two counties that voted against the state generally, "boob voting" was not a significant factor in the operation of direct legislation in Michigan. Cf. Schumacker, *loc. cit.*, p. 250, who assumes that the difference in the number of votes cast on similar measures is one way of gauging "blind voting." This system fails to consider the possibility of honest difference of opinion regarding similar measures. Exactly the same vote on similar measures would seem to constitute sounder grounds for suspecting the intelligence of the electorate. But cf. A. F. Smith, "Can We Afford the Initiative," *National Municipal Review*, Vol. 28, p. 437 (October, 1949), who contends that the California voter votes "no" when in doubt. This same view regarding Oregon has been expressed by Schumacker, *loc. cit.*, p. 251. See also Robert Luce, *Legislative Principles* (Boston, 1930), p. 582.

[26] See, for example, C. M. Kneier, *City Government in the United States* (New York, 1947), p. 481.

[27] For a detailed study of this problem, see LaPalombara, *op. cit.*, Ch. 4. Key and Crouch, *op. cit.*, p. 537, also point out that there is no study substantiating the claim "that the length of the ballot operates as a factor to discourage voter participation." The study of California experience by these students led them to the conclusion that participation fluctuation is the result of causes other than the number of propositions on the ballot. But cf. Pollock, *op. cit.*, pp. 45–46, who points out that, although factors other than the number of proposals are important, there has been a general decrease in voter participation as the number of issues presented is increased.

[28] This may be explained in part by the fact that initiative proposals, which have always attracted a greater average voter participation in Oregon, traditionally appear at the bottom of the ballot.

It will be conceded that the apparent willingness of the electorate to participate on issues, whatever their number and complexity, does not necessarily indicate intelligent voting. Critics have pointed to the passage of one initiated law in Oregon that did not contain an enacting clause, the acceptance of two bills in 1908 which resulted in the complete abolition of commercial fishing on the Columbia River, and the pension plan of 1948 as examples of the capricious manner with which measures will be dealt.[29] Because of the possibility of such measures finding public acceptance, some students have suggested that direct legislative proposals be restricted to fundamental questions of public policy.[30] It has also been generally recognized, however, that it is often very difficult to classify an issue as fundamental or non-fundamental. Many proposals which are unquestionably concerned with public policy, such as pensions, the regulation of alcoholic beverages, or county management, will frequently contain extremely complex provisions. A better plan would appear to be one in which initiated proposals are first submitted to the legislature. Failure of the legislature to satisfy the groups sponsoring the initiative would result in the measure's being placed on the ballot.[31] In addition, real effort would have to be made by the legislature to limit the number of constitutional amendments submitted to the electorate, since a large number of the proposals at each election are amendments which must be referred.

The argument that many measures are too ordinary or trivial to be put to a general vote is extremely difficult to prove. Certainly, one would be hard put to find instances in Oregon of trivial proposals.[32]

The fact of repeated submissions of previously defeated measures has appeared in Oregon as well as in the other four states mentioned in this study. An extreme example in Oregon is the proposed amendment to increase the remuneration of state legislators, submitted twelve times before it was finally accepted. Less glaring examples are the early submission of the single tax and and the more recent submissions of the sales tax and the pension plans. It should be noted, however, that the Oregon legislature has been responsible for more repetition than have the voters. The assembly has been just as persistent in resubmitting direct taxes on consumption in the face of unmitigated opposition by the electorate as have the Townsendites in the recurring submission of their pension schemes.

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[29] In California, the frequent "ham and eggs" or "thirty Thursday" pension proposals have led some students to question the utility of the initiative. See, for example, the recent article by A. F. Smith, *loc. cit.* In Washington, the voters enacted a pension plan in 1948 which has put the fiscal structure of the state in jeopardy. The 1948 pension plan accepted by the voters in Oregon would have had a like result. The Attorney General's opinion, of questionable juristic merit, avoided that result by ruling the plan unconstitutional.

[30] See, among others, Barnett, *op. cit.*, pp. 40–41; Lowell, *op. cit.*, p. 161; Harvey Walker, *The Legislative Process* (New York, 1948), p. 456.

[31] Johnson, *loc. cit.*, p. 53, has suggested the expansion of this method in Washington where it is already authorized as a form to be used at the option of the petition sponsors. Up to 1944, it has been used only four times.

[32] Professor Johnson, *ibid.*, p. 41, has said of Washington's experience that "Few, if any, absurd or freakish laws have been enacted in Washington through the initiative, and few obviously beneficial bills have been defeated by use of the referendum."

It has been suggested that one way of preventing this needless repetition would be to include a provision in the Constitution which would prevent a defeated statute or constitutional amendment from reappearing on the ballot for a period of four or six years. This plan would, however, be open to two criticisms. First, it would cause unwarranted delay in the case of a proposal which became desirable before the expiration of the time limitation but which could not be classified an emergency measure. Secondly, it would simply offer temporary relief in that, following the first six year period, just as many proposals would reappear on the ballot.

Another proposal would increase the percentage of signatures required of a measure resubmitted within a specific time interval. This method would not, of course, affect legislative submissions.[33] Actually, repetition of measures has not proved catastrophic. Doubtless, the voter wearies at the reappearance of measures at each election, but very few of these have been accepted by default. Some price must be paid for popular government, and this one would appear to be very small.

To some critics of direct legislation, the cost of repeated measures, as well as that of measures submitted only once, appears extremely high. Although the complete cost of each measure would be difficult to determine, it is possible to assess the cost of Oregon's *Official Voters' Pamphlet*, which has run into thousands of dollars in recent years,[34] and the amount of money officially reported, under compulsory Oregon law, by those organizations and individuals campaigning for or against proposals. In addition to these items, direct legislation increases the cost of elections since it necessitates more ballot space and more vote-tabulating personnel. There are also the service expenses involved in the drafting of measures, the circulation of signatures, the filing of petitions, and the verification of signatures.

Because no study has been made of the comparative cost of direct legislation and the traditional means of legislating in Oregon, it would be unsound to draw any final conclusions on this subject.[35] Reports to the Secretary of State have divulged the fact that campaigns on some highly controversial measures have cost well over one hundred thousand dollars. But there are no figures indicating how much lobbyists have spent in the past, and are spending today, in order to further their legislative interests. In the absence of concrete comparative evidence, those who attack direct legislation on the grounds of allegedly excessive cost must concede that they are standing on hypothetical rather than proved premises.

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[33] Key and Crouch, *op. cit.*, p. 553, have recommended that the number of signatures required in California be decreased in order to give the smaller groups a better chance to compete with the well-organized and well-financed organizations. These students contend that such action would not unduly increase the number of measures presented to the electorate.

[34] *The Biennial Report of the Secretary of State of the State of Oregon, 1946–1948*, indicated that the cost of the *Official Voters' Pamphlets* for the primary and general elections of 1948 was approximately $140,000.00. In the special election of 1947, the cost was $30,968.08. From these totals would have to be subtracted $20,510.00 derived from candidates' filing fees, and charges for space in the primary and general election pamphlets.

[35] Key and Crouch, *op. cit.*, Ch. 5, have conducted an excellent study of direct legisla-

4. *Improper Drafting and Unwise Legislation:* The tendency toward scientific lawmaking over the past few decades has found expression in the creation of special commissions to study and formulate legislation and in the establishment of legislative reference bureaus. The development of direct legislation has been considered by some as being at cross purposes with this desired improvement. One early critic asserted that "To substitute for this scientific method the easy-going simplicity of the initiative is a step backward rather than forward in the cause of legislative efficiency."[36] On the other hand, the late Professor Beard saw nothing inherent in the initiative and referendum that precluded expertness in drafting equal to that exercised by the legislative assembly. He felt that the interest groups sponsoring proposals would take great care to draft laws and constitutional amendments properly.[37]

What has been Oregon's experience? Critics of the initiative have pointed to the confusing pension bill which was adopted in 1948, the poorly drawn picketing and boycotting bill accepted in 1938, and the school support measure of 1942 as examples of the extremes to which the voters can go in drafting vaguely worded and badly organized legislation. It is undoubtedly true that all of these measures were sorely in need of expert revision. It is also true that the gambling and liquor bills of 1940, which ran ten and twenty thousand words respectively, could have been improved. But this does not establish the fact that the assembly has done a much better job by comparison.[38] Certainly two gambling statutes referred to the electorate in 1938, which contained provisions obviously in contradiction to each other, could not be considered examples of expert legislative drafting. And the frequent legislative modifications of Oregon's six per cent tax limitation, a difficult subject to comprehend when lucidly defined, have also become notorious for their needless complexity. The language of the legislator bent on profundity can be just as confusing as that of the layman.

Whatever shortcoming exists in this area might be corrected if the initiative process were changed so that the proposals were submitted to the legislature before they appeared on the ballot. This at least would satisfy those who attack

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tive campaign expenditures in California. The problems involved in reporting cost and in enforcing the law requiring the reporting are very cogently treated.

[36] A. B. Hall, *Popular Government* (New York, 1921), p. 138.

[37] Beard and Schultz, *op. cit.*, p. 35.

[38] Professor J. M. Mathews, *American State Government* (New York, 1934), p. 205, has wisely pointed out that "Every example of ineptitude in popular lawmaking may be matched by a similar instance of legislative bungling."

direct legislation on the grounds that initiated proposals are not subjected to the salutary effect of debate in committee hearings and on the floor of the legislature.

Another plan would involve the creation of a direct legislative reference service similar to that now available to the state legislature. Such a service, if made compulsory and performed gratuitously, would go a long way toward preventing the submission of statutes loosely and improperly drawn. The cost of maintaining the service would be more than offset by the benefits derived therefrom. There is no reason for assuming that the direct legislative product, given expert assistance, would be inferior to that of the state legislature.

Whether the initiative and referendum have encouraged the passage of unwise legislation is a much more difficult question to answer. What is wise or unwise in politics will depend almost entirely on the differences in opinions regarding specific measures. In many circumstances, such as the passage of the 1948 pension plan in Oregon, those who favor a particular principle will deem unwise the specific implementation of that principle through a statute or constitutional amendment. When the Oregon legislature modified Oregon's Hydroelectric Power Act so as to prevent the state from taking over private power projects before the expiration of the original license period, some groups considered this action wise and proper. But the bill was subjected to the obligatory referendum and the great majority of voters who passed on the issue in 1948 voted to repeal the action of the assembly.[39]

Depending on the individual involved and the standard of appraisal used, the cards can be stacked in favor of either the legislature or the people of Oregon regarding the soundness of the proposals submitted. Thus one student, referring to Oregon's experience, concluded that the legislature has been a much better judge of public opinion than has the public on the grounds that ✓ a greater number of proposals submitted by the legislature have been adopted than those popularly initiated and referred.[40] A more recent writer has attempted to explain this phenomenon by the comment that "The public is inclined to view ballot measures, especially initiatives, with misgivings or outright suspicion."[41] Professor Pollock's explanation of this situation, which has prevailed to a far greater extent in Michigan than in Oregon, appears to be more logical. He concluded that this phenomenon " . . . is not surprising, for it is to be expected that the legislature will be more cautious about proposals than will interested groups of the electorate and that it necessarily submits more proposals of routine importance in order to keep the Constitution more or less up to date."[42]

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[39] The vote on this proposal was 242,000 against and 173,004 for the bill. Johnson, *loc. cit.*, pp. 36–37, points out that early attempts of the Washington legislature to weaken the direct legislative procedures met with decisive defeat at the polls. He concludes that the representatives were completely out of step with the people and that direct legislation was necessary to prevent the sins of omission and commission of the legislature.

[40] Schumacker, *loc. cit.*, p. 253. This phenomenon has remained true during Oregon's entire experience with direct legislation. Of the 365 proposals considered by the electorate from 1902 to 1948, 144, or 39.1%, have been adopted. But the legislature has submitted 148 proposals, of which 71, or 48%, have been adopted as compared with the 57, or 36% adoptions out of the 175 initiated proposals and the 16, or 39% adoptions of the 42 proposals submitted by obligatory referendum.

Washington's experience indicates that the voters there have accepted 34, or 36% of the total number of proposals and that the legislature has met with success 35% of the time, as compared with a 37% adoption of those measures submitted by the popular initiative and referendum. See Johnson, *loc. cit.*, p. 63.

In Michigan, the voters adopted 39.2% of the proposals, but the percentage of the legislative submissions accepted was 50.9% as compared with 15% for the electorate. See Pollock, *op. cit.*, pp. 19–20.

On the other hand, one could point to the greater amount of popular participation on proposals popularly submitted as evidence that the public has been a better judge of public opinion than have the legislatures.[43] In Oregon, the electorate has not only evidenced a greater interest in popular proposals, but it has also participated more heavily on statutes than on constitutional amendments.[44] Professors Key and Crouch have suggested one possible explanation for this same fact in California. They have pointed out that the function of the initiative is exactly opposite from that of the referendum in the sense that the initiative process is usually put into motion by groups unable to achieve particular ends through the legislature.[45]

The measures sponsored by such groups are usually controversial and, as

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In Colorado, 8, or 25% of the 32 amendments submitted by the legislature were adopted, while the voters accepted 11, or 26.8% of the initiated amendments. The legislature did not submit any statutes, but the electorate adopted 16, or 45.7% of the statutes initiated by the people. See Colorado Legislative Reference Service, *op. cit.*

[41] Smith, *loc. cit.*, p. 437.

[42] Pollock, *op. cit.*, pp. 19–20.

[43] In a study of the period 1938–1948 in Oregon, one of the writers found that legislative proposals received an average of 76% on amendments and 86% on statutes referred, as compared with an average of 85.6% on initiated amendments, 88.9% on initiated statutes, and 77.9% on statutes referred by popular petition. The same is true of Washington, Michigan, and California. Regarding the last state, Key and Crouch, *op. cit.*, pp. 528–529, indicated that in only one instance up to the time of their study did a measure of legislative origin poll a higher percentage vote than measures popularly initiated. It should be noted that these figures indicate a decided growth in popular participation in Oregon over the general participation average of 75% found by Professor Schumacker in his earlier study. And these percentages are based on the total number of electors participating in elections. The average participation would be even higher if based on the total vote cast for public officials such as the Governor. In no election between 1938 and 1948 did a measure of legislative origin attract more voters than those submitted by the electorate.

[44] From 1938 to 1948 the participation on amendments was 87% as compared with 84.2% for measures submitted at general elections. Inclusion of special elections does, of course, raise the participation figure for measures submitted. The same phenomenon was found to be true of California. See Key and Crouch, *op. cit.*, No sound conclusion can be drawn regarding Michigan's experience in view of the small number of statutes submitted thus far. In this state the participation was greater on amendments. Pollock, *op. cit.*, p. 21.

[45] Key and Crouch, *op. cit.*, p. 487.

a consequence, attract the attention of many voters. Since most of these measures are presented in the form of statutes, and since most constitutional amendments are referred by the legislative assembly, more organized publicity will be given to statutes than to constitutional amendments. The legislature does not conduct extensive propaganda campaigns in conjunction with the proposals it refers, whereas the sponsors of initiative measures usually do so. This situation, coupled with the fact that most legislatively referred proposals are of a routine character, would seem to account for the difference in voter response.

Any attempt to use either of these two methods of proving that the legislature or the electorate has submitted the wiser proposals, or proposals more nearly compatible with public opinion, would appear misguided. Over the long period, the electorate is not likely to do anything more foolish than the legislature is likely to do. The legislature emerges from the people and clearly cannot differ too radically from it. The only reasonable conclusion regarding Oregon's history and the only sensible prediction of the future would be that both the legislature and the electorate have had and will have their periods of legislative "sagacity" and that both of them have "erred" and will "err." Whatever weakness may exist in this situation is not inherent in the direct legislative process. That the people, acting for themselves or through representatives, may some day enact a proposal that proves to be politically, economically, or socially catastrophic must be conceded. That risk is not great; and, even if it were, it is inevitable that a democratic system must necessarily involve the right of the people to make such a decision.

5. *Control of Government by Special Interests:* It has been frequently asserted that because of the low percentage of signatures required on initiative and referendum petitions, special interest groups have little difficulty in getting their pet schemes before the electorate.[46] According to this argument, government is thus placed in the hands of special interests. On the other hand, the advocates of direct legislation have contended that special interest groups would be defeated at the polls whenever they sought to pass any measure not in conformance with the welfare of the electorate.

✓ Oregon's experience indicates that special interest groups have not been unduly hampered.[47] Undoubtedly, the same groups that lobbied at the state capital have organized for the purpose of submitting measures to the voters or for defeating measures which have been passed by initiative.[48] Early in Oregon's direct legislative history, the cry was heard that paid "petition hawkers" would guarantee enough signatures for any proposal at a specified price per signature. In addition, it was charged that much fraud was practiced by the "hawkers" or circulators in representing to potential signers the real nature of the petitions.

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[46] See, for example, Munro, *op. cit.*, pp. 29–30; Barnett, *op. cit.*, p. 21. Herman Finer, *Theory and Practice of Modern Government* (New York, 1949), p. 563, has asserted that "The initiative has given a heaven-sent opportunity to professional and manufacturing groups to push proposals for their special advantage, while the citizens in general have not been impelled to initiate measures."

[47] Key and Crouch, *op. cit.*, p. 450, drew a like conclusion regarding the state of California. "It can hardly be said," they remark, "that the inadaptability of the initiative procedure to compromise has worked seriously to the disadvantage of any particular interest group, unless the inconvenience of organizing and financing a campaign to defeat measures striking at their interests be so considered . . . ."

Today, there are laws in Oregon imposing criminal penalties on those who sign petitions fraudulently,[49] on any circulator who knowingly signs a false affidavit regarding a petition,[50] or who knowingly misrepresents the nature of a petition to a signer,[51] and on anyone who, for a pecuniary reward, offers, proposes or threatens (1) to hinder or delay a petition, (2) to desist from beginning, promoting or circulating a petition, or (3) to use any petition or power or promoting a petition for purposes of blackmail, extortion or intimidation.[52] In 1933 the legislature also passed a statute requiring comprehensive financial reports of those organizations campaigning for or against any direct legislative proposal.[53] Two years later the statute was amended so as to make it unlawful for any person to give, pay, or receive any money or other valuable consideration for securing the signatures of electors on direct legislation petitions.[54]

These statutes have undoubtedly helped to prevent some of the earlier flagrant abuses, but it is reasonable to assume that even yet not all of the initiative and referendum petitions are circulated gratuitously.[55] Even in the complete absence of professionals, however, large corporations, labor unions, church organizations, and the like would have little difficulty in utilizing their administrative organizations for the purpose of getting "gratuitous" circulation of petitions.

It is, of course, doubtful that any law will completely prevent circulators from misrepresenting the real import of petitions to potential signers. It is a well-known fact that circulators in the Portland area are able to obtain many signatures without having to make reference to the petition's real purpose. This was one of the reasons for the passage of the statute requiring that the purpose of a petition be written on its cover. Actually, very few people will take the time to read such a statement. A voter will frequently sign in order to rid himself of an overbearing circulator or in order to prove that he is not "afraid to give the people a chance" to dispose of an issue.

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[48] Unlike restrictions on the power of the Washington and California legislatures regarding their ability to change or repeal statutes and/or amendments voted by the people, the Oregon system gives free reign to the legislature to repeal or amend any statute or to refer an amendment at the next special or general election. See *Patton v. Withycombe*, 81 Ore. 210 (1916); *State ex rel. Pierce v. Slusher*, 119 Ore. 141 (1926). For a general discussion of this problem, consult *American Law Reports Annotated*, Vol. 97, pp. 1046–1053 (San Francisco, 1935).

[49] Only a qualified voter may sign a petition in Oregon. This does not mean a registered voter, however. See *Woodward v. Barbur*, 59 Ore. 70 (1911).

[50] *Laws*, 1907, Ch. 226, Sec. 3, p. 398.

[51] *Laws*, 1923, Ch. 247, Secs. 1–5, p. 346.

[52] *Ibid.*, Sec. 8.

[53] *Laws*, 1933, Ch. 436, Sec. 1, p. 789.

[54] *Laws*, 1935, Ch. 41, Secs. 1–2, p. 52.

[55] A. F. Smith, *loc. cit.*, pp. 441–444, has indicated that the same San Francisco professional petition-circulating organization is frequently employed on both sides of a controversial issue. In view of Oregon's statutory prohibition of such activity, documentary evidence of "petition-hawking" is very difficult, if not impossible, to gather.

Some writers have suggested that in order to prevent hawking, fraud, and misrepresentation, the petitions should be placed in the offices of the county clerks and in the hands of the various election registrars throughout the state.[56] Anyone desiring to sign a petition would then be compelled to go to the clerk's office or to seek out one of the registrars. In addition, such a system would theoretically guarantee that only those proposals behind which a substantial public opinion existed would appear on the ballot.

What is overlooked in this suggestion is that it will not rid the state of its special interest groups while it will work to the advantage of those groups which are more powerful in terms of money and organization. Actually society is composed of myriad groups, all of which may be defined as special interests. At any given moment, policy which is being put into motion will be that supported by the interest groups which are currently dominant. In most cases it would be impossible to point to all of the constituent parts of these groups, but it can be assumed that public policy will always be synonymous with the ideas of those groups that have found successful political expression. That is to say, there never does exist general welfare but only particular group welfares. It would, therefore, be sheer folly to attempt to rid the political community of special interest groups. They are inevitable in human society. Indeed, any group organized for the purpose of accomplishing such a task would in itself constitute a special interest aiming at a group welfare!

A careful investigation of the results of direct legislation in California led Professors Key and Crouch to conclude that "no profound alteration in the composition, methods, or objectives of the ruling elite has ensued as a result of the availability of direct legislative procedures to dissenting groups."[57] If by this is meant that no change has occurred in the nature of the predominant groups since the advent of direct legislation, the same cannot be said of Oregon. There can be no doubt that, in this latter state, groups which ✓ were unable to find accurate political expression prior to 1902 have been materially assisted by the initiative and referendum. That the history of the state's legislative program would have differed radically, in the absence of direct legislation is to be noted in the unsuccessful attempts of the legislature to pass such measures as the sales and cigarette tax, and in its earlier reluctance to put into motion legislative and constitutional changes which were favored by a significant majority of the electorate.[58]

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[56] The Washington legislature, in 1915, attempted to change that state's method of circulating so as to require voters to affix their signatures in offices of registration officials, which offices would be open from 6–9 p.m. during a 90 day period. This and several other anti-people's power measures were subjected to the obligatory referendum and defeated overwhelmingly. See Johnson, *loc. cit.*, pp. 36–37.

[57] Key and Crouch, *op. cit.*, p. 572. They add, however, that direct legislation has added cost and inconvenience to their activities.

It appears clear that direct legislation has neither encouraged nor discouraged the formation of pressure or interest groups. They existed prior to its institution and have adjusted to the conditions brought about by its adoption. Indeed, Burke was undoubtedly right in concluding that "Whatever be the road to power, that is the road which will be trod." But it must be conceded that the initiative and referendum have had some salutary effect in the sense that previously clandestine groups are now frequently compelled to operate in the open and in the sense that powerful groups, working through the legislature or through the initiative and referendum, must at least make a real effort to enlarge their group to the point where it will make up a majority of those people voting on the question at the polls.

6. *Minority Legislation and Constitutional Amendments:* A significant number of the constitutional amendments and statutes adopted by the Oregon electorate have been passed by a minority of the electors participating in the election.[59] The contention that the initiative and referendum encourages or promotes minority legislation and constitution-making is one of the more valid criticisms of direct legislation in Oregon. ✓

Professor Lowell added to this criticism the charge that a very small segment of the electorate could get measures on the ballot without regard for the wishes of the public in general. In this regard he protested that " . . . it is hard to see how the right of a small minority to raise issues uncomfortable for the majority is giving effect to public opinion."[60] This attack failed to recognize that within state legislatures a minority consisting of any one representative has always been free to raise issues extremely uncomfortable to the majority. The majority of legislators remain free, of course, to defeat the proposal, and the same rule applies in direct legislation. And, as has been accurately observed, anyone who argues dogmatically for majority vote will have to engage in some serious soul-searching when investigating the methods by which laws are passed in the average state legislature.[61]

It has been suggested that the alleged defect of minority policy determination could be removed through the institution of a constitutional provision prohibiting any statute or constitutional amendment from becoming effective unless it receives a majority of all those votes cast at the election in which the proposal is presented.[62]

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[58] Consult the article by Johnson, *loc. cit.*, for an interesting analysis of the nature of the groups which used direct legislation up to 1932 and those which have used it since 1934.

[59] The situation in Oregon has improved in recent years. Of thirty statutes submitted to the electorate in general elections between 1938–1948, the average percentage of those going to the polls who voted on the winning side was 53.9%. For 27 constitutional amendments considered over the same period the average was 44.1%. Most of the issues were determined decisively, however, with the average vote on the winning side for those who participated being 64% in the case of statutes as compared with 57.3% in the case of constitutional amendments.

[60] Lowell, *op. cit.*, p. 222.

[61] Beard and Schultz, *op. cit.*, p. 41.

Superficially, it would appear that this change would make for a more accurate expression of public opinion regarding those proposals considered by the electorate. This position rests heavily on the assumption that the voter who refrains from casting a ballot on a direct legislative proposal has no opinion at all or that he intends to vote against the proposal. One may agree in some instances, but it has been wisely suggested that the failure of some voters to cast ballots might actually be an indication of intelligent opinion.[63]

An easy supposition is that the non-voter has no interest or that he does not favor a proposal. Often overlooked, however, is the fact that some who do not cast ballots are fully aware of the proposals but may not care whether they are accepted or rejected. This is not necessarily a sterile position. It may actually constitute a real opinion—for implicit in this silence may be the voter's willingness to acquiesce in whatever decision is reached by those who do participate. Such an attitude would explain the differences in total number of votes cast on various proposals appearing at the same election. It is not unreasonable to conclude that some of the voters who participate in the determination of the outcome of some proposals prefer to remain outside of several contending groups participating in other issues.

To require that all proposals, to be effective, must receive a majority of the total vote cast in an election not only abolishes the neutral position but also imposes a higher qualification on direct legislation than is imposed on election to public office. In addition, it would result in a situation in which failure to vote would constitute a vote against the proposal. That this assumption would be unreasonable in many cases is self evident. Under Oregon's present procedure no assumption is made other than that the voter will abide by the decision of those who do vote. This is certainly a far better view to take than would be the one involving an attempt to impute a "no" vote to the non-voter. The machinery of direct legislation—whether in the area of constitutional amendments or statutory measures—should not be designed so as to place a premium on the failure to participate in the democratic process. It would be more desirable to permit some minority enactments in Oregon than it would be to institute a system (such as has been suggested and which is now used in some states) which would make changes in the fundamental law extremely difficult, if not impossible.[64]

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[62] See, for example, Schumacker, *loc. cit.*, p. 257. The type of minority legislating and constitutional amending made possible under Oregon's system can be compared to the type of minority legislation which takes place every day in those state legislatures where the heavily populated areas of the state are under-represented. Very often the same persons who denounce direct legislation on the grounds that it permits minorities to determine policy are the ones who are violently opposed to any plan to reapportion the state legislature on the basis of population. Unfortunately, this obvious inconsistency frequently goes unobserved.

[63] Beard and Schultz, *op. cit.*, pp. 37–38.

7. *Weakened Constitution:* There remains to be considered the charge that direct legislation has destroyed the distinction between the state constitution and general statutory matters. According to this argument, Oregon's initiative, by removing whatever safeguards existed regarding constitutional changes, reduced the basic law to the same level as statutes.[65] More specifically stated, the criticism rests on the tendency of direct legislation "to incorporate in the constitution matters that have no proper place there. . . . If there be any difference between constitutional and other laws, the former ought surely to require a greater degree of consideration and, therefore, a more deliberate procedure."[66]

A survey of the 179 amendments submitted to Oregon's electorate from 1902 to 1948 would serve to substantiate the claim that many legislative matters were drafted as constitutional amendments. And, as is the case with the constitutions of most states, Oregon's basic law contains several provisions which some political scientists feel should more logically be included in the statute books. In some instances the voters have carried this tendency to the extreme. Such was probably the case in 1938, when the acceptance of two constitutional amendments would have increased the length of the constitution one and one-half times. On the other hand, it should be noted that the legislature has been equally inclined to submit the type of amendment that would be condemned by the critics of this tendency.

In a political atmosphere where a distinction is drawn between the fundamental law and ordinary statutory matters, there would appear to be justifiable reason for criticizing any system tending to emasculate this distinction. If the distinction does remain a fundamental concept of American political theory, it must be admitted that the initiative and referendum in Oregon have had the effect of weakening it. In actual practice, however, the voter in Oregon has not differentiated between statutes and constitutional amendments. He has been inclined to concern himself primarily with matters which have engendered a great amount of public discussion, regardless of classification.

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[64] Professor Johnson, *loc. cit.*, p. 49, has suggested that "If indifferent and uninformed non voters are ignored, then no initiated measure ever passes unless a majority favors it and no referred bill is ever defeated unless a majority votes against it. If we accept this reasoning, the bogey of minority rule evaporates." Johnson offers a safeguard, however, in suggesting that no initiative measure be made effective unless passed by 40% of those participating in the election and that no bill referred by petition be defeated unless it receives 45% of the total vote cast. Similar provisions in Oregon's constitution would have resulted in the defeat of only two popular measures out of the sixty-one considered in the ten years of 1938–1948.

[65] Walker, *op. cit.*, p. 448.

[66] Lowell, *op. cit.*, p. 218. Cf. Mathews, *op. cit.*, p. 200, who felt that " . . . there is no great need for sharp distinction between constitutions and statutes in the states since fundamental rights are adequately protected by the Constitution of the United States."

Are the political leaders of the state bound, therefore, to institute a change which would make it difficult or impossible for the electorate to place in the fundamental law provisions which, by some standards, should more logically be found on the statute books? Aside from the difficulty of establishing a working standard for both electorate and legislature, it may be that the people do not favor a distinction. If one were to judge by their actions at the polls, this conclusion would be more in agreement with conduct than a conclusion which insists that the people, if properly conditioned, would want to differentiate. But if it is education that the voters lack, any attempt to preclude them from modifying the constitution on the basis of their present convictions would be undemocratic. It is, after all, only the sovereign electorate that enjoys the power to determine the manner in which its governmental affairs will be conducted.

In the realm of some abstract political theory, the failure of the electorate properly to differentiate between the fundamental law and ordinary legislation may be a serious shortcoming. But if one is to view this problem realistically, it is obvious that Oregon, through the initiative and referendum, is doing no more than has been done by other states through constitutional conventions and legislative submissions. It is possible, but not certainly true, that this tendency is "bad."[67] Oregon's experience leads the writers to the conclusion that the practice has not been detrimental to the state or to any significant group within it. There is no evidence that the basic law has been seriously weakened by the inclusion of provisions which some would confine to the statute books. Several nations not maintaining the distinction in question have managed very well.[68] The disappearance of the distinction in Oregon, as well as in many other states, does not appear to involve a threat to democratic government.

III

The above survey has taken each of the lines of criticism which has been levelled at the device of direct legislation. Each has been analyzed and then the practices in the individual states have been examined. In no instance has it been conclusively shown that the predictions and prophecies of the opponents have been borne out. Members of the political science profession have done no better than have others when they have ventured into the realm of forecasting. To the credit of that profession, it can be said that recent studies have assembled the information on which the predictions could be tested. The outcome of this testing shows that the usual criticisms ought no longer to be peddled as embodying either knowledge or wisdom. It is impossible to determine whether history would have been different without the direct legislative process, but the record can contribute to some doubts on that score.

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[67] A. N. Holcombe, *State Government in the United States* (New York, 1916), p. 425, writing a few years following the inauguration of direct legislation, made the following significant statement: "In fact the original distinction between constitutional and statutory law has already been so far impaired by the insertion of ordinary legislation in the state constitutions that the preservation of the distinction in its present form is of doubtful utility."

[68] Munro, *op. cit.*, p. 41, who was critical of direct legislation, has said: "Of course, it is not at all certain that this outcome would be very undesirable in America. In England there has never been any distinction between constitutional and ordinary laws, yet the liberty of the individual has not suffered serious impairment on that account." European experience has not been significantly different from that in the United States, although neither the initiative nor the referendum processes have been so widely used. See in this Review, W. E. Rappard, "The Initiative and the Referendum in Switzerland," Vol. 6, pp. 345–366 (August, 1912) and L. S. Greene, "Direct Legislation in the German Länder, 1919–32," Vol. 27, pp. 445–454 (June, 1933). See also W. E. Rappard, *The Government of Switzerland* (New York, 1936), pp. 70 ff. and Edmond Vermeil, *La Constitution de Weimar* (London, 1923), pp. 138–139.

One further observation should be made. The inaccurate prognostications must have stemmed from an inaccurate apprehension of the traits of the process of politics. The premises of that misapprehension are never clearly formulated but probably can be generally and somewhat vaguely associated with the heritage of the rational man of the enlightenment. If that is the case, then the profession of political science ought in all seriousness to begin a search for other bases of apprehending the functioning of political life. The writers offer in somewhat general terms one alternative base in their emphasis on the group phenomenon as the basic means of analysis. This method has been most systematically outlined in Arthur F. Bentley's *The Process of Government: A Study of Social Pressures*.[69] This is not the place to explore the theorem in detail, but it should be said that Bentley's approach offers more than the pressure group studies have thus far derived from it.

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[69] Arthur F. Bentley, *The Process of Government* (Bloomington, 1949).

FOREIGN GOVERNMENTS AND POLITICS

CURRENT "MASS LINE" TACTICS IN COMMUNIST CHINA*

H. ARTHUR STEINER
University of California (Los Angeles)

I

The Problem. Chinese communist leaders generally attribute their conquest of power to the faithful pursuit of effective "mass line" tactics. They now regard a "correct" mass line as the essential prerequisite for the full consolidation of power, for the successful implementation of the ambitious and far-reaching policies to which they are committed, and for the ultimate transition from the "people's democratic dictatorship" to the complete socialist order. Recognizing that large numbers of cadres adequately trained in mass line tactics are critically needed for these purposes, the Chinese Communist Party intensified its cadre training program in 1950–1951 to insure that all party (and other public) workers would be carefully indoctrinated in basic Marxist-Leninist mass line theory and practice. Training in mass line tactics ranges in scope from propaganda to public administration, but finds its principal focus in the delicate area of the Party's public relations with the great masses of Chinese people who have yet to be sold on the communist program. The problem is so serious, and the need for a solution so urgent, that the party leadership has temporarily deferred several important social reforms pending the completion of the current cadre training program.

Essentially, the mass line is designed to effect that relationship between the Party and the masses best calculated to enable the revolutionary leadership to capture mass support for its program. As explained by Liu Shao-ch'i in his famous report to the Seventh National Congress of the Chinese Communist Party in 1945, the mass line is "a method of leadership" by which the Party's leading cadres are intimately linked with the broad masses—a "two-way process between the Party and the masses" that combines "general appeals with individual guidance." The mass line, he continued, "enables our Party to adopt a correct attitude and correct methods for leading the masses of the people. It is a line which aims at establishing a correct relationship between our Party's leading organs and individual leaders on the one hand and the masses of people they lead on the other."[1] In the language of the Party Constitution, as revised June 11, 1945, on the basis of Liu's report, the Party, as "the organized vanguard of the Chinese working class," must "always be alert to mobilize and organize the great masses" and "must endeavor to establish itself as the core of all revolutionary mass organizations." But without abdicating its responsibility for strong leadership, the Party must simultaneously "guard constantly against the danger of becoming isolated from the masses and see to it that such incorrect tendencies as tailism, commandism, isolationism, bureaucratism and warlordism, that estrange the Party from the masses, are prevented and liquidated."[2]

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[1] Liu Shao-ch'i, *Kuan-yü hsiu-kai tang-chang ti pao-kao* [*Report on the Amendment of Party Constitution*] (reissued; Hongkong, 1948), Ch. 2, pt. 4.

The Mass Line and Cadre Practice. Mao Tse-tung rose to his present preeminence in the Party because he realistically understood what was required to effect the strongest possible organization of the Chinese masses in flexible and unstable political circumstances. Ever since the days of his early organizational activity among the peasantry of Hunan Province, he has preached tirelessly the doctrine that the Party must rely on the masses for its strength, that it must serve the needs of the masses, draw its inspiration from them, and gear its political ideology and organizational tactics to their responsiveness.[3] This approach was initially based on sound propaganda for party cadres: the Party could not recruit and discipline a core of essential cadres in a China where Marxist teachings were strange and unknown unless it could first fire its prospective workers with a sense of the mission of making life more tolerable for China's multitudes. Thereafter, when such cadres had been recruited and had begun in the course of time to exercise *de facto* authority in border or guerrilla base areas, Mao remained keenly alert to the danger that arrogant, inefficient, bureaucratic and otherwise inept conduct on the part of the cadres might incur the hostility of the masses and undermine the structure he had so carefully erected. The mass line policy of the Party, in its organizational work among the masses, acquired the additional character of a strong weapon of the party leadership to maintain the internal discipline of a professional elite dedicated to the principle of "democratic centralism."[4] Mass line activity exemplifies the classic Marxist-Leninist precept on the "unification of theory and practice." For party cadres, faithful adherence to the current mass line provides the best insurance against the purge.

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[2] General Introduction to the Party Constitution.

[3] This theme is reflected in most of Mao's essays, books, reports, and public statements, usually in protest against doctrinaire attitudes that fail to reconcile Marxist-Leninist theories with the practical experiences of the Chinese people. A clear theoretical explanation of the problem is found in his *Kai-tsao wo-men ti hsüeh-hsi* [*Reform Our Learning*] (May 19, 1941). A more specific condemnation of "subjective dogmatism" is developed in his "On Practice," an essay ascribed to July, 1937, but generally made known for the first time when "reissued" on December 29, 1950, in an authoritative text. See *Jen-min jih-pao* [*People's Daily*] (Peking), December 29, 1950.

[4] During the anti-Japanese war, at a time when the KMT-CCP United Front had in fact been breached, the Party Politburo adopted two decisions reflecting this view: a decision of July 1, 1941, on "The Strengthening of the Party," and another of September 1, 1942, on "Party Leadership and Relations between Various Organizations in Anti-Japanese Resistance Bases." For the texts of these decisions, which are basic in the organization and practice of the Party, see *Cheng-feng wen-hsien* [*Documents on the Party Renovation Movement*] (Hongkong, 1949), pp. 125–128 and 129–137, respectively.

After the sweeping victories of 1949–1950, the problem of maintaining the mass line of the Party became acute. Membership in the Party had grown from 1,210,000 in April, 1945, to "more than 5,000,000" in mid-1950.[5] The swollen ranks of the party cadres now included recent recruits of ambiguous origin and questionable loyalty, and the older cadres had begun to manifest disquieting tendencies of arrogance and complacency. Screening devices and cadre training procedures had failed to keep pace with the requirements of the new situation, precisely at the time when the Party would be exposed to the most strenuous tests. Liu Shao-ch'i listed the "correction of shortcomings and errors in the training of cadres" among the principal "tasks" of the moment in his 1950 May Day address. After referring to the rapid growth in party membership and to the absorption of "large numbers of old personnel to work in government institutions," he declared: "We are required to undertake large-scale training work immediately, and first of all the training of cadres. The main task will be to review our work and correct authoritarian styles of work and, secondly, to correct other mistakes and shortcomings."[6]

Patently, the situation invited a purge, and this Mao pronounced in his topical report of June 6, 1950, to the Third Plenary Session of the (Seventh) Central Committee.[7] Henceforth, he declared, membership in the Party would be expanded with greater care; the recruitment of new members in rural areas would be discontinued or substantially curtailed; and measures would be taken both to expel present "opportunist elements" and to prevent new ones from entering the Party. He also called for a "large-scale ideological remoulding movement," calculated (a) to raise the ideological and political level of the party rank and file and cadres alike, (b) to overcome the mistakes committed in party work, (c) to "overcome feelings of arrogance and self-satisfaction in those who think themselves heroes" and (d) to improve the relations between the Party and the masses by overcoming "bureaucratism and commandism." Finally, as a more specific guide, he directed the "resolute observance" of a recent series of Central Committee organizational directives. Two of these dealt directly with mass line problems: the resolution of March 25, 1950, on "Consolidating and Strengthening the Relationships between Communist Party Members and the Non-Party Masses,"[8] and the one of April 19, 1950, on "Encouraging Criticism and Self-Criticism in Newspapers and Periodicals."[9]

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[5] *Jen-min jih-pao*, July 1, 1950.

[6] Address at the Cadre Meeting Celebrating the May 1 Labor Day in Peking, *Hsin-hua yüeh-pao* [*New China Monthly*], Vol. 2, no. 1, pp. 5–10 (May, 1950); English translation in *People's China*, Supplement to Vol. 1, no. 10, pp. 3–10 (May 16, 1950).

[7] "Struggle for a Basic Improvement in the Financial and Economic Situation of the Country," *Hsin-hua yüeh-pao*, Vol. 2, no. 3, pp. 487–488 (July, 1950); English translation in *People's China*, Vol. 2, no. 1, pp. 4–6 (July 1, 1950).

[8] Text in *Hsin-hua huo-yeh wen-hsuan* [*New China Leaflets*], no. 58 (Shanghai, April, 1950).

[9] *Ibid.*, no. 66 (May, 1950).

In keeping with the same trend, the Central Committee subsequently promulgated, on January 1, 1951, a "Decision on the Establishment, throughout the Party, of a Propaganda Network for the Masses."[10]

Strengthening the Links with the Masses. The Central Committee resolution of March 25, 1950, resorted to the standard device of "reissuing" two classic statements of mass line policy as refreshers for indoctrination purposes—one, a three paragraph excerpt from Stalin's address of February 19, 1933, to the First All-Soviet Collective Farms Representatives' Conference; the other, a paragraph extracted from Mao Tse-tung's address of November 21, 1941, to the Shensi-Kansu-Ninghsia Border Area Representatives' Conference. The resolution castigated party members guilty of arrogance in their relations with non-party masses, and especially those members who took undue pride in their status as "old-time revolutionaries"—condemning the "isolationist" attitudes of both for failing to cooperate with non-party masses and other "democratic" elements. All members were exhorted to study the reissued texts in order "to control their behavior, to overcome defects in relationships between party members and non-party elements, and to strengthen [these relationships]." This particular resolution, in fact, was the signal for a special campaign by United Front workers to gain the confidence of the cooperating minor parties, a campaign that continued through the fall of 1950.

Criticism and Self-criticism in the Press. The Central Committee resolution of April 19, 1950, made mass line problems the theme of a renewed campaign of criticism and self-criticism on the part of all elements of the Chinese press. The directive struck at the "isolationist" policy of the party press that had discouraged the non-party masses from participating actively in the work of "criticizing" defects in party work and public administration generally, and proceeded to observe: "If the mistakes and defects in the work of our Party and the People's Government, and in economic institutions as well as all mass organizations, cannot be publicly and currently criticized and self-criticized both within the Party and by the general public, we will then be severely poisoned by 'bureaucratism' and will fail in our mission to construct a new China." The Central Committee therefore "definitely resolved that criticism and self-criticism of all mistakes and defects in administration will be encouraged in all public meetings, among the masses of the people, and especially in the newspapers and periodicals." Moreover, "party members, especially the cadres, should be trained to appreciate that criticism and self-criticism in newspapers and periodicals are necessary methods for strengthening the relations between the Party and the popular masses . . . and that the popular masses will be awakened and encouraged if they can feel free to express their criticisms and proposals to the Party and the People's Government in the newspapers and periodicals." This clever directive thus sought to enlist the services of the general public as watchdogs of the party cadres—in the interests of inner party discipline as well as for the curbing of "isolationism" and "bureaucratism" in the conduct of party and public functionaries. In response, throughout the summer and fall of 1950 the Chinese press opened its pages in a nationwide campaign of criticism and self-criticism, printing countless letters from the general public pointing to mistakes committed by erring party cadres in their daily work, and devoting editorial space to the public reprimand of individual party workers.[11]

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[10] New China News Agency, Peking release, January 1, 1951.

Propaganda Organization and the Mass Line. Despite the notorious output of propaganda in Communist China, the Central Committee decision of January 1, 1951, condemned as a "principal weakness of the Party's propaganda work for the masses [the failure] to establish a regular system of propaganda . . . and to subject this work to the systematic guidance and control of various levels of party organizations"! The directive continued: "One of the inborn duties of a Communist lies in the incessant effort to carry out propaganda among the people so as to educate them, to wage relentless war against all reactionary and mistaken conceptions and principles, and to promote as well as raise the political consciousness of the masses. The lack of a regular and well-organized system of propaganda devoted to the people shall inevitably . . . prevent the strengthening of the ties of relationship between the Party and the people, and obstruct the Party's attempt to surmount the deviations of commandism and bureaucratism. . . ." Without in any way restricting the existing obligation of all party members to engage in general propaganda work, the directive provided for the establishment of networks of "propaganda officers"—one in every party cell—and "reporting officers" at higher levels. Under stricter control, propaganda activity among the masses was to be conducted in accordance with approved "fixed activity programs."

Among their other duties, the propaganda officers are to maintain constant public contact so that they can "assist the Party in the choice of propaganda matter and methods appropriate for different periods of time." Propaganda officers' meetings are to "formulate a proper division of labor between the Party, the Youth League, the trade unions, the peasants' associations, the cooperatives," and the other party-controlled mass organizations that have mushroomed in Communist China during the past two years. In the end, no mass element is to be left untouched in the new propaganda drive, because "In all propaganda movements of a mass nature, it behooves party organizations to cooperate with various democratic parties and groups and people's organizations, as well as to organize the working personnel of people's governments, the People's Liberation Army, cultural circles, educational circles and art circles to take part in the work." Even the reporting officers are to undertake the public function of rendering "political reports to the mass meetings or representatives' meetings of urban or rural people, at least once every two months"—thus providing a popular channel for applying the method of criticism and self-criticism to the work of the propaganda officers.

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[11] This campaign resembled familiar campaigns in the Soviet Union, and was in part inspired by the reissue of Soviet documents dealing with criticism and self-criticism. It was characterized by the most fulsome adoration and praise of Chairman Mao, the high party leaders, and the policies of the Central People's Government. "Criticism and self-criticism," of course, did not extend to a critical reëxamination of current official policies and programs.

In its leading editorial supporting the directive, the *People's Daily* reiterated the main point and purpose: "We depend upon the building up of direct relationships between the leadership of the Party and the masses of the people. It is imperative for the Communists to keep in incessant touch with the masses in order to gain invincible might."[12] Systematic propaganda, in this respect, is a two-way street, deriving impetus and effectiveness from the transmission of mass enthusiasm to the responsible propaganda agencies of the Party. But by being blanketed into the party propaganda apparatus, the "various democratic parties and groups" may find that any vestige of independent opinion which might have remained to them is likely to disappear.

II

The five principal sins against the Party's mass line are enumerated in the Party Constitution as "tailism," "commandism," "isolationism," "bureaucratism," and "warlordism."[13] Unless corrected and controlled, each of these is an offensive deviation from approved party conduct likely to "estrange" the Party from the masses. Much of the present cadre training program centers upon the analysis of these evils and their avoidance as practical phenomena in party work. They will be considered here as a basis for evaluating specific problems that arise in the course of maintaining a uniform mass line at different levels of the party hierarchy; discussion of these will also reveal the irregularities in party discipline and administration that undermine the central authority and menace the security of the regime.

Tailism. This offense against correct Leninist practice consists of erroneously identifying the mass line (of leadership) with the practice of following blindly the wishes or demands of the masses whenever they are made evident. Party workers must not seek to appease the masses or to win cheap popularity for themselves by yielding to the temptation of softening the substantive or tactical line of the high party command. According to the situation, tailism may be an error of right or left deviationists; but in either case, Mao has characterized the struggle against tailism as "a necessary condition for the successful solution of the tasks which face our Party and the Chinese people."[14]

In Mao's judgment, Chen Tu-hsiu had been guilty of a rightist form of tailism reflecting "bourgeois reformism" when, in the critical days of 1927, he underestimated the capacity of the Chinese peasantry to respond to the organizational leadership of the Party and endorsed an "opportunistic" rapprochement with the Kuomintang.[15] Later, during the civil war period of 1946–1949, tailism was primarily the offense of left deviationists among party workers in rural areas when they acceded to the extreme demands of the peasantry for land redistribution—thus advancing the social revolution beyond the point then considered tactically feasible by the high party leadership. The issue was presented specifically in 1947–1948 in relation to the status of the "middle peasants" under the land reform program of October 10, 1947. Although the tactic of the Central Committee was to "win over" the middle peasantry by preserving the lands of even well-to-do middle peasants against the demands of the poor peasants for a share of their properties, working cadres were often found to follow the path of least resistance by acceding to the pressures brought by poor peasants. Mao Tse-tung publicly condemned this error as follows, in his April 1, 1948, review of the errors of a Land Committee Secretariat Conference: "Clear analysis is lacking in coping with the problem of the people's requests by generally adopting the slogan 'It shall be done in whatever way the people wish it to be done.' Concerning this latter problem and that of the relationships between the Party and the people, it should be understood that any suggestions of the people that are correct should be appreciated by the Party leading the people in accordance with existing conditions, while those which are incorrect should be rectified by educating the people. The Secretariat Conference has only stressed the point that the Party has put into effect the suggestions of the people and has overlooked the point that the Party must also educate and lead the people."[16] In a word, whether the people's demands are "correct" is to be determined by their conformity with high party policy; when the demands are "incorrect," party cadres are responsible for leading the masses to accept the party policy by education and explanation.

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[12] "An Important Link in Closely Uniting the Party with the Masses," *Jen-min jih-pao*, January 3, 1951.

[13] General Introduction. Mao Tse-tung, in Part 5 of *Lun lien-ho cheng-fu* [*Coalition Government*] (April 24, 1945), listed four supplementary "sins": "dogmatism," "empiricism," "sectarianism" (or "factionalism") and "arrogance."

[14] Mao Tse-tung, "Tasks of the National Anti-Japanese Front in China," Address to a Cadre Conference in Shensi Province, May 3–7, 1937, as given in *Communist International*, Vol. 14, p. 828 (New York, Nov., 1937).

Similar leftist tailism is evident in other fields when party cadres incorrectly yield to the demands of industrial workers for equal wages, or precipitately turn over the management of industrial establishments to workers' committees. At a time when the peasants demanded the confiscation and redistribution of the capital equipment used by a landlord in operating a coal pit on his property, Jen Pi-shih once pointed out that to grant the demand would violate the basic policy toward small-scale industry outlined in Mao Tse-tung's speech of December 25, 1947 (and subsequently incorporated into the Common Program of 1949). Therefore party cadres must be alert to cope with peasant ignorance; they "must persuade the peasants to understand the advantages of having the coal pits in existence intact, and that if dispersed the coal pits will be ruined and they themselves will have no coal to burn. This would hinder the economic development of the liberated areas."[17]

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[15] *Idem.*

[16] *Tsai Chin-Sui kan-pu hui-i shang-ti chiang-hua* [*Address to the Cadre Meeting of the Shansi-Suiyuan Border Area*] (Hongkong, 1948).

[17] Jen Pi-shih, Address to the Northwest People's Liberation Army Front Committee, January 12, 1948; North Shensi Radio, April 13, 1948.

Similarly, for political reasons the Party has found it necessary to condemn those cadres who, yielding to local pressures, engage in "indiscriminate beatings, indiscriminate arrests, indiscriminate killings and the use of torture"—particularly against landlord elements capable of being "won over." The peasants need to be made to realize that "unorganized and undisciplined" action can no longer be tolerated once the people's government has set up regular procedures for legally administering punishment to those whose conduct merits rough treatment.[18] Yet the working cadre must not err in the other direction: he must not confuse the regime's "policy of magnanimity" with a policy of "boundless magnanimity" if the effect would mitigate the punishment of irreconcilable reactionaries or counterrevolutionaries. "Education [alone] is not omnipotent" in the reform of "bad characters."[19]

Commandism. Judging from the persistent and repetitive attack waged on "commandism" in 1950, this is the most common offense of the party bureaucrat. In its primary facet, "commandism"[20] has been defined as "the practice of attempting to carry out party or governmental work merely by issuing orders or merely by making use of the administrative machinery without taking the trouble to mobilize, organize, educate, and convince the masses."[21] In an important secondary facet, "merely enforcing orders" of the higher authorities in a perfunctory or unimaginative manner has been considered by Liu Shao-ch'i as "the most fatal among our mistakes."[22] While acknowledging that cadres are called upon by higher authorities to discharge many varied tasks, Liu emphasized that they should nevertheless "take the trouble" to perform each of them in the light of the general policies of the state and Party. Too many cadres "adopt a crude manner of work, taking no heed of the actual situation [in their respective jurisdictions] and its possibilities, unwilling to consult the local people humbly but simply fulfilling the tasks. The result is that tasks have been fulfilled, but the people have suffered losses which were entirely avoidable. Such simple enforcement of orders is quite serious in the work of levying public grain, collecting taxes, and selling Victory Bonds, and it has aroused the dissatisfaction of many persons. If this is not corrected, we shall be estranged from the masses."

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[18] A leading editorial in *Chieh-fang jih-pao* [*Liberation Daily*] (Shanghai), January 30' 1950, was devoted to this problem.

[19] "Rectify Thoroughly the Deviation of Misinterpreting the 'Policy of Magnanimity,'" leading editorial of *Jen-min jih-pao,* December 28, 1950. This "rightist deviation" in dealing with counterrevolutionary elements was also condemned by Lo Jui-ch'ing, Minister of Public Security of the Central People's Government, in his Report for 1950 (*ibid.,* Jan. 1, 1951).

An astonishing attempt to link the "mass line" with the present blood-letting in Communist China was made in apparent earnestness by P'eng Ch'en, a party Politburo member and vice-chairman of the central government's Political and Legal Affairs Committee, in an official report on the new "Regulations for the Punishment of Counterrevolutionaries," adopted by the Central People's Government Council on February 20, 1951. P'eng insisted that "the mistaken practice of excessive magnanimity" in the punishment of counterrevolutionaries had "aroused the dissatisfaction of various classes of people," and that the new regulations had been drafted in direct compliance with popular demands that "enemies of the people" be more sternly punished! (New China News Agency, Peking release, Feb. 21, 1951).

[20] *Ming-ling chu-i,* also variously translated as "authoritarianism," "orderism," and "dictatorialism."

[21] New China News Agency, note in *People's China,* Vol. 2, no. 1, p. 8 (July 1, 1950).

[22] May Day Address, 1950, cited above, n. 6.

Conceptually, commandism may be considered as an abrasive practice that slows down the intricate machinery of "democratic centralism" and leads to the imperfect transmission and unfaithful reflection of the central purpose to the lower administrative levels. Typical results may be imagined from the nature of the problem. Local or intermediate administrative action may discredit the benevolent pretensions of the party high command in the eyes of the general public if those responsible for enforcing directives conduct themselves as petty dictators. Or the failure of working cadres to adapt their interpretations and methods to the full spirit and intent of central directives may be conducive to a lack of uniform enforcement and may even, if not controlled, lead to specific local implementations that actually defeat the central purpose. Problems of this type have been seriously attacked by party leaders over a period of years. They influenced the Central Committee in its decision of July 1, 1941;[23] and the "ideological remoulding" movement of 1950–1951 took the correction of such abuses as its principal theme. A directive of the East China Branch Bureau of the Central Committee of May 20, 1950, assailed the improper conduct of old and new party cadres, reciting evidence of egotism and complacency, of exploitation of the masses and corruption, and of action that "destroyed the prestige of, and confidence in, the Party."[24] The campaign against commandism today has been enlarged to embrace nearly every form of party or public administrative action, and in certain areas has already led to a rigorous purge of undesirable party elements.

A leading editorial in the *People's Daily* tied the problem of commandism directly to the party mass line with the following remarks: "Our old cadres take pride in their achievements and slight the masses. . . . Among the new party members and cadres, many are still under the effects of the work attitude of the Kuomintang, and do not understand correctly the pursuit of the mass line, and adopt the evil attitude of commandism in dealing with the masses, leading to a mess being made in the implementation of many correct policies which care for the interests of the masses." Instead, then, of "issuing commands forcibly to the masses," or of adopting "simple and crude methods of forcing the masses to accept what they cannot accept," the lower cadres must humbly mobilize the masses and patiently explain to them why they should voluntarily and cooperatively conform to the policies of Party and government.[25]

Cadres must attend properly "to the basic task of education and explanation of policies, so that on the basis of the awakening and spontaneous desire of the masses, they will be able at all times to respond to our call and contribute to the common completion of our pressing tasks."[26] Naturally, "forcible methods may, and should, be employed" against the "illegal activities of a minority who violate the interests of the majority"—i.e., against the reactionary or counterrevolutionary social elements that refuse to conform to the people's democratic dictatorship.[27] But it cannot be assumed that the broad masses would knowingly wish to resist; "the laws and orders of the People's Government represent and protect the interests of the absolute majority of people,"[28] according to the basic assumption of the paternalistic dictatorship. Therefore, since all cadres must dedicate themselves to the enforcement of policies, the proper method is for them "to undertake the arduous task of educating the masses, winning over the masses by persuasion, and attending to their tasks by adhering to the mass line."

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[23] Cited above, n. 4.

[24] *Chieh-fang jih-pao*, July 1, 1950.

[25] "Resolutely Oppose 'Commandism,'" September 14, 1950.

[26] *Ibid.*

To correct commandism, cadre training must include renewed instruction of older cadres in "thought and action," indoctrination in class analysis and organizational methods for newer cadres, and, for all cadres, a rigorous study of central laws and directives and an intensified exposure to the method of criticism and self-criticism. Effective education of the cadres "should also result in more effective discipline."[29] This approach is extremely significant as a matter of administrative technique, showing unusual sensitiveness to the dilemma of the working cadre and his tendency to find the easy way of dodging the burden of work imposed by the unending stream of directives. And as a matter of policy, the campaign against commandism has international repercussions, since it is basically designed to insure the continued hegemony of the Chinese Communist Party and a mass line which, if successful, greatly inhibits the possibilities for counterrevolutionary or other hostile undercover action.

Practicality is the keynote. Instead of sitting in his office and issuing directives and mandates to the masses, the lower cadre must go out to the masses in the towns and villages. He must initiate and conduct an incessant round of public meetings, demonstrations, and open forums, invite the masses to ask questions which he is prepared to answer, determine the degree of mass eagerness for the action prescribed, and in the process discover and isolate the elements harboring rebellious ideas. Yet despite the emphasis on drawing the masses along, the mass line remains a tactic for leaders, not followers: "Opposition to, and the overcoming of, commandism must not be accompanied by the sponsoring of tailism, which permits the masses to follow their own course of action without proper leadership. We must assuredly proceed to undertake correctly the leadership of the masses."[30]

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[27] See H. A. Steiner, "People's Democratic Dictatorship in China," *Western Political Quarterly*, Vol. 3, esp. pp. 38–40 (Mar., 1950).

[28] "Resolutely Oppose 'Commandism.'"

[29] East China Directive, May 20, 1950, cited above, n. 24. The directive continues with a highly detailed statement of the curricular organization and content of the retraining movement. According to later official claims, over 350,000 cadres were exposed to general ideological retraining in the East China area between August and November, 1950, in addition to 176,000 cadres given ideological training in connection with preparations for agrarian reform (New China News Agency, Shanghai release, Mar. 10, 1951).

[30] *Ibid.*

Isolationism. Isolationism, or a "closed-door policy," consists in conducting party affairs in a vacuum that neglects the tactical value of enlisting general public participation in the formation and execution of party policy. This tendency is especially difficult to control in a party whose members must satisfy special admission requirements and observe tight discipline, and who are taught that they form the militant and organized "vanguard of the proletariat." Yet in a "coalition" type of political relationship, in a pre-socialist stage of "people's democracy," uncontrolled isolationism would estrange the Party from the masses in general and also alienate the leaders of friendly, cooperative non-communist parties. Therefore, Mao Tse-tung has admonished Party members "to learn to love the people, to listen to them carefully, to mix with instead of overriding them, to develop and raise the consciousness of the masses with due consideration to their intelligence, and to help them if they are willing to organize themselves gradually for the necessary struggles."[31]

From the early days of the anti-Japanese war and the United Front, Mao has persistently worked to associate non-party elements with the work of the Party, aspiring both to supplement the party cadres in guerrilla base areas and to prevent abuse of special privileges by party cadres. In 1938, for example, he directed the Party to employ non-party cadres in situations where they were willing to undertake projects in common and where the Party should exploit the "genius, ability and aggressiveness" of useful talent.[32] The brilliant results of this policy encouraged Mao to bring non-communist "third" parties and independents into the organization of the Central People's Government in 1949–1950.

In 1948, however, the problem was posed in a different light. Mao was then intent on a purge of party cadres working on the critical policy of land reform. A significant Central Committee directive of February 22, 1948, stipulated that the "soundest method" of achieving that aim was to invite the "masses outside the Party to participate in party meetings to examine party members and cadres in common."[33] This attitude was designed to focus the dissatisfaction of the peasantry "on party members and cadres who use their political positions to commit evil acts and usurp the fruits of agrarian reform." The directive specified that in all but the very recently "liberated" areas, "all party cells should be made public. All meetings of all party cells to discuss problems concerning the interests of the masses, including party meetings for criticism and review, should be open to the non-party masses. Secret meetings are prohibited so that feelings of mystery of the masses toward the party organization can be removed, and so that all party phenomena, good or bad, can be displayed to the masses for their information and criticism or support." Mao Tse-tung strongly endorsed this policy in his address of April 1,

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[31] *Coalition Government*, Pt. 5.

[32] *Lun hsin chieh-tuan* [*On the New Stage*] (Report to the Sixth Enlarged Plenary Session of the [Sixth] Central Committee, Oct. 12, 1938), Ch. 7.

[33] Text in *I-chiu-ssu-ch'i nien i-lai Chung-kuo Kung-ch'an-tang chung-yao wen-hsien chi* [*Important Documents of the Chinese Communist Party since 1947*] (Hongkong, 1949), p. 62.

1948, to the Shansi-Suiyuan cadres: "You have further enabled the non-party masses to participate in party cell meetings and to develop criticism and self-criticism. The symptoms of impure qualities or actions in party organizations should be speedily rectified in order to maintain a close relationship between the Party and the people."[34]

In this particular respect, the 1948 line appears to have ended with the completion of the purge. But in 1950, and for substantially the same reasons, the opening of party meetings to non-party elements again became fashionable. The Central Committee directive of April 21, 1950,[35] specified that "criticism and self-criticism" should be practiced widely in public meetings at all levels. The retraining directives thereafter adopted by the Central Committee's regional branch bureaus[36] specified that selected lower-level cadres should be assembled at special training schools. Upon completion of the course, they were instructed to return to their original posts and then convene party cell meetings "to which the non-party masses should be invited."[37] As part of the "criticism and self-criticism" in these meetings, the "proposals and criticisms emanating from representatives of the masses should be welcomed; their correct proposals and criticisms should be accepted and appreciated. Where incorrect proposals and criticisms are offered . . . errors should be explained in a spirit of good will. In particular, appropriate consolation and apology should be extended to those who have been beaten, imprisoned, or reprimanded by mistake. This will improve the relations between the cadres and the non-party masses." It would also expand the "ideological remoulding movement" to include all elements in the population.

In consequence, party meetings appear to have been opened to the public more extensively than in the "purification" movement of 1948.[38] The substantive results are difficult to appraise in concrete terms. Yet this technique had spectacular effects in stimulating popular response to government policies directed against American "imperialist aggression" in Korea. The four-point program of "Resist America, Aid Korea, Defend Our Homes, Protect Our Country" was maintained with multi-party support during 1950-1951. The campaign to recruit "volunteers" for Korean service, intensified when United Nations forces moved north of the 38th Parallel in October, 1950, was waged by party organs with the constant participation of non-party elements, and the principal propaganda instrument of the anti-American campaign was the joint declaration of all "democratic" parties issued on November 4, 1950. In addition, the breakdown of isolationism within the Party has had the all-important political effect of obliterating differences between "party" and "government" activity in Red China and, by depriving independent party groups of any reason for their further existence, of thus preparing for the transition to the socialist society.

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[34] Cited above, n. 16.

[35] Cited above, n. 8.

[36] Directives of the East China, South-Central, Northwest, Southwest, Northeast and North China branch bureaus of the Central Committee are summarized in *Chieh-fang jih-pao*, July 2, 1950.

[37] East China Branch Bureau Directive of May 20, 1950, cited above, n. 24.

[38] Typical reports of non-party participation in party meetings emanated from Shanghai (Shanghai Radio, May 16, 1950), North Anhwei (Shanghai Radio, July 17, 1950), and Chungking (Chungking Radio, July 22, 1950). Supplemental directives governing the procedure of opening party meetings to non-party elements were also issued by local party organs, as was illustrated by the June 20, 1950, directive of the Secretary of the Chungking Party Committee (Chungking Radio, July 18, 1950).

Bureaucratism. Commandism in 1950-1951 was considered a phenomenon affecting chiefly the lower level party bureaucrats who proved inept in their direct public relations. "Bureaucratism" is a phenomenon common to "paper-pushers" at all levels. Liu Shao-ch'i described it as the tendency of working cadres to lack "a sense of responsibility to the people and the Party," directing his attack to office-loafers who failed to conduct investigations into serious administrative problems and cadres who "became corrupt and degenerate and lorded it over the people" or who conducted their work in a perfunctory spirit.[39] The current intensive anti-bureaucratism campaign is being waged concurrently with the related campaign against commandism: special training methods have been prescribed and erring bureaucrats have been either held up to public scorn in the party press or removed from office.[40] Publicity has been given to such improper examples of bureaucratic conduct as arose during the campaign to collect signatures for the Stockholm "peace petition"—cases in which signatures were taken from babes-in-arms and over-aggressive bureaucrats exacted signatures from peasants under the threat of refusing them a share of the land during land reform, as well as the special case of the cadre who was chastised for inventing his own imaginative slogan: "Only through the use of atomic weapons can peace be achieved!"[41] Eventually, as was inevitable, those bureaucrats who had been assigned responsibilities for conducting the "ideological remoulding" movement themselves came under fire for bureaucratic tendencies shown in that work![42]

Warlordism. The offense of "warlordism" consists in failure to appreciate the proper importance and responsibility of People's Liberation Army leaders for maintaining close links with the masses. This type of conduct appears less serious at present than the aberrations previously mentioned. Nevertheless, on December 22, 1950, the State Administration Council of the Central People's Government and the Political Department of the People's Revolutionary Military Council issued a joint directive reminding troops that the army was "an important guarantee for the democratic dictatorship" and that "they should not only set examples in observing the law but also in carrying out policies. . . . They should also recognize that the People's Liberation Army must at all times be closely united with the broad masses and protect their interests. . . .

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[39] *Op. cit.* above, n. 1.

[40] Throughout August-September, 1950, the columns of *Jen-min jih-pao* (Peking) and *Chieh-fang jih-pao* (Shanghai) were intermittently filled with reports on this campaign.

[41] Chungking Radio, July 25, 1950.

[42] Shanghai Radio, September 11, 1950, reported several such irregularities among party bureaucrats in Shanghai and Hangchow.

Arrogance, smug self-satisfaction and the love of peaceful life with no will to fight should all be done away with. All acts against the interests of the people and in violation of mass discipline must be seriously scrutinized and rectified."[43] This would serve to illustrate that no sector of party or other public activity, civil or military, can escape the controlling force of the mass line of the Chinese Communist Party.

III

Mass line tactics are not unique to the Communist Party in China, but conform to the general line of all Marxist-Leninist parties.[44] The mass line tactics of the Communist Party in China, however, are specially flavored by political and security considerations inherent in the currently fluid Chinese situation. While mass line tactics are specifically calculated to close the political gaps on the home front, their ramifications extend to the whole realm of public policy—including propaganda, internal party affairs, domestic administrative practices, relations with "third" parties, and foreign policy.

In my judgment, American press coverage and editorial treatment of recent events in China reflect an unfortunate tendency to interpret strong action as evidence of weakness. Actually, mass executions of "reactionaries" and official condemnations of irregularities in communist party practice stem from the same political source: the calculated determination of the regime to protect itself against controllable phenomena likely to undermine its power—whether these be counterrevolutionary activities of enemies of the regime or the blundering or inept actions of its own administrators. This, it may be argued with some cogency, is evidence of strength and power, rather than of weakness and uncertainty.

This judgment on present facts is, of course, not a prediction that the regime will actually succeed in its ultimate objective of capturing the allegiance of the Chinese masses. Obviously, the party high command is not infallible, and mass line tactics are no absolute guarantee against erroneous judgments. It seems clear, for example, that the Korean military adventure was partly designed to consolidate mass loyalties in support of a regime that undertook to "defend China" against "imperialist aggression." The prestige of the regime might well be shaken if future events demonstrate that the adventuresome policy miscalculated the capacity and determination of the United Nations. Even then, however, the final question of whether this would destroy the regime, would turn largely on the adaptability of flexible mass line tactics in the new situation.

Certainly the Chinese Politburo, in pursuing mass line tactics, gives evidence that it understands the actual and potential sources of danger to its program and authority. In such matters as agrarian reform policy, it has shown itself fully capable of subordinating doctrinaire social considerations to political necessities judged to be more urgent. It has a masterful comprehension of the power of organization to capture a mass following—if not to elicit an affirmative mass enthusiasm—and to deny counterrevolutionary elements a capacity for sustained effort. It understands that "democratic centralism" cannot operate successfully unless solutions are found for a host of practical administrative problems. It can blend "rewards and punishments," persuasion and force, into patterns of mass line action that are extremely flexible and delicately responsive to direction. To say that these tactics *may* enable the regime to consolidate its position is not, of course, to say that the substantive policies of the regime are ethically valid or entirely consistent with the best interests of the Chinese people. But such considerations as these are not nearly so relevant in a totalitarian environment as they might be in democratic societies; and they do not justify the hopeful sentiment that the regime will collapse merely from an accumulation of careless miscalculations of the temper of the Chinese people. *Mass line tactics are rooted in the assumption that organization is stronger than ideas.*

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[43] New China News Agency, Peking release, December 23, 1950.

[44] See, for example, Stalin, *Foundations of Leninism* (1924) and his report on the international situation (1927), as quoted in E. Burns, *Handbook of Marxism* (London, 1935), p. 909.

A further caveat to the Western liberal may also be in order. The mass line of "loving the people, serving them, and learning from them" may, because it fails to describe an objective fact, be too casually dismissed as a line of propagandist sophistry. Certainly the mass line does have a high propaganda content, but the Marxist-Leninist can no more separate action from propaganda than action from theory. Precisely because mass line tactics dovetail so neatly into the basic patterns of Marxist-Leninist ideology, they afford a most significant insight into the working of the communist mind. When mass line tactics are examined from the liberal democratic point of view, they have many apparent inconsistencies; but these disappear when examined from the internal point of view of Marxist-Leninist dogmas and assumptions. While Marxist-Leninist mass line tactics palpably violate the tenets of a liberal democracy, they still supply the essential key for understanding how it is that Communist parties burgeon and swell in influence among the peoples of Asia, whose knowledge of democracy is so slight that they are unable to perceive the differences between democracy and mass line totalitarianism. In this sense, a Marxist-Leninist mass line whose political potentialities are ignored constitutes one of the greatest challenges to the democratic way of life.

THE AMENDING POWER OF THE CANADIAN PARLIAMENT

WILLIAM S. LIVINGSTON
University of Texas

The enactment by the Imperial Parliament at Westminster of the British North America (No. 2) Act, 1949,[1] raises again the complex and difficult problem of the nature of the amending process in the eldest of the British dominions. From the beginning this process has been surrounded with a certain mysterious imprecision, deriving from the fact that Canada's basic constitutional statute—the British North America Act, 1867[2]—contained no provision for its own amendment. In other words, until 1949 there was no clause in the constitution setting out a procedure whereby its own provisions might be legally changed.[3] Hence through the long years all amendments have had to be made by the Parliament at Westminster which enacted the original statute—a necessity that has produced all sorts of difficult problems for students of constitutional law in both Canada and the United Kingdom.[4] It has long been settled practice that the Imperial Parliament will enact whatever amendments are requested by the appropriate authorities in Canada, but a question remains as to which are the appropriate authorities. It seems now to be settled, after considerable controversy, that the executive government, acting alone, may not make such a request; practice requires a joint address by the two houses of Parliament. But is it necessary for the Dominion authorities to consult with the provinces before going to London with this request or may the Dominion do this by itself? If consultation is conceived to be necessary, must all the provinces be consulted? And if so, is it necessary that they all consent to the amendment before it is requested? If all need not consent, what part is necessary? These questions and other similar ones have plagued Canadians for years, and there is not yet any accepted solution either in precedent or in law.

But these are questions of politics and of constitutional practice; they can be considered only in conjunction with a similarly difficult question of constitutional law, namely, that of the exact composition of this constitution, the amendment of which has constituted such a problem. It is in the answer to this question that the amending power of the Canadian Parliament is to be found.

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[1] 12, 13 & 14 Geo. VI, Ch. 81.

[2] 30 & 31 Vict., Ch. 3.

[3] There has been much discussion over the reason for this omission, mostly fruitless. The best explanation seems to be that the Act of 1867 was a British statute and, like any other British statute, would be amended by the British Parliament if the need for change became apparent. See the discussion in N. McL. Rogers, "The Constitutional Impasse," *Queen's Quarterly*, Vol. 41, pp. 482–3 (1934).

[4] The disabilities that derive from the absence of an amending clause do not touch the provinces, which are authorized by Section 92 (1) of the Act of 1867 to amend their constitutions, except with regard to the office of Lieutenant-Governor.

It was also anticipated that some specific provisions of the Act of 1867 respecting the national government might be changed without recourse to another act of Parliament. Many sections (e.g., 40) contain the clause "until the Parliament of Canada otherwise provides," and several more the clause "until the Queen otherwise directs." About twenty sections anticipate their own modification by these means and several have been changed in accordance with them.

It is generally considered that the constitution of Canada consists of the British North America Act, 1867, and the amendments that have subsequently been made to it. This is far from adequate. Every constitution really consists of a great many elements other than the formal document itself, such as conventions, statutes, court decisions, etc. In Canada there are more of these extra-documentary elements than elsewhere, for the Act of 1867 was never intended to be a complete constitution in itself. It was expected to embody the principles of the British parliamentary system, which rest for the most part on convention rather than law. But beyond the recognition that not all of the constitution lies in the written document, there is the additional problem, in this case, that no one can say with authority exactly what constitutes the formal written constitution. Although there is no doubt that the most important part is the British North America Act with its amendments, other elements must also be considered as belonging to it. We must undertake to ascertain just what is, and what is not, included in it.

There is not even general agreement concerning the number of times that the British North America Act, 1867, has been amended and what these amendments are. This difficulty arises from the nature of the British statutes themselves. It would be a great convenience if the Imperial Parliament had always plainly labeled any enactments intended to alter Canadian constitutional law so that there could be no doubt that they were to be so construed; but this has never been done. Except in the content of the acts, there has been no difference, until very recent years, between such amendments, or any statutes applying expressly to Canada, and any other British statutes. That the form, title, etc., have been the same for all is, of course, quite consistent with ordinary British practice. The Parliament at Westminster never distinguishes between statutes that are constitutional and those that are mere legislation, for such a distinction would be meaningless in terms of the British constitution. Every British statute has the same status in law as any other British statute; if there is a conflict or inconsistency between two acts, then the later prevails over the earlier. It is true that some statutes expressly amend or repeal earlier laws, but it is not necessary that the earlier laws be so mentioned. Each statute affects earlier statutes so far as its content and necessary intendment require.

Now before 1931 at least, the British Parliament was the supreme lawmaking agency for Canada and its enactments affecting Canada were patterned after the same principles that were employed in its own domestic legislation. Since these British enactments were supreme in Canada, they constituted a sort of written constitution which the local legislatures could not alter. And the fact that British legislation took such form as it did, naturally led to considerable haziness as to what the constitution of Canada actually contained. The British North America Act could be only a rough guide, for any British legislation subsequent to it prevailed against it, and many such statutes were enacted. Thus a British act concerning immigration in the colonies would take precedence over Canadian legislation, even through the Canadian legislature had been empowered to make laws on the subject by Section 95 of the British North America Act itself.

It will be seen that there were two kinds of enactments that could affect Canada, those that applied generally to all colonies and did not exclude Canada by specific reference, and those that directly applied to Canada by express provision. Each of these must be considered in some detail.

(1) Before 1867 there were forty-one imperial acts for the colonies in general that affected Canada along with the others.[5] After 1867 and up to 1913 there were over fifty more.[6] In addition to their own provisions, many of these acts authorized the issuance of orders-in-council; and many such (British) orders concerned chiefly with regulating judicial appeals or carrying out treaty obligations, have applied with the same force to Canada.[7] But further general legislation of this sort was precluded by the Statute of Westminster, which provided that "No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend . . . to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that the Dominion has requested, and consented to, the enactment thereof."[8] Thus general legislation for the colonies would be inoperative in a dominion unless the dominion requested that it apply; in this case it would be applied specifically and not as falling within the generality of the act. The Statute also relieved the dominions of the repugnancy clause of the Colonial Laws Validity Act[9] and enabled them to repeal any British legislation then in force in the dominion. Canada was thus empowered to repeal or amend any law that had affected her in the past as a result of the general enactments applying to colonies as a whole. The same privilege was extended to the provinces.

(2) More important for Canadian constitutional law have been those British statutes that apply directly to Canada by name.[10] Although there is no means other than content to distinguish even these enactments from other British statutes, they are easy to find since they apply specifically to Canada and

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[5] C. J. Tarring, *Chapters on the Law Relating to the Colonies* (4th ed.; London, 1913), pp. 168 ff. Chief among these were the Renunciation Act, 1778, the Judicial Committee Acts, 1833 and 1844, and the Colonial Laws Validity Act, 1865.

[6] *Idem.* Included here are the Colonial Courts of Admiralty Act, 1890, the Merchant Shipping Act, 1894, and the Geneva Convention Act, 1911.

[7] H. McD. Clokie, "Basic Problems of the Canadian Constitution," *Canadian Journal of Economics and Political Science*, Vol. 8, p. 4 (1942). I have drawn heavily on Professor Clokie's excellent article in this and the following paragraphs.

[8] 22 Geo. V, Ch. 4, Sec. 4.

[9] Sec. 2. See below, n. 16.

[10] J. E. Read (now a judge of the International Court of Justice) prepared a list of "enactments of the Parliament of Great Britain which by their express terms or by necessary implication apply to the Dominion of Canada." In this list are found fifty-three such enactments before 1867 and seventy-six after that date down to 1943, including both general and specific acts. It is reproduced in Maurice Ollivier, *Problems of Canadian Sovereignty* (Toronto, 1945), Appendix III, pp. 465–469.

this fact is stated in the acts themselves. Before 1867 twenty-five such acts applied to the several colonies that now compose Canada,[11] and there has been at least an equal number since that date.[12] Since the British North America Act, 1867, is one of these, it might seem that the total list would comprise a record of the amendments to the Canadian constitution. But a great many of these have been only temporary and trivial, while not many modify anything contained in the Act of 1867 or in any other constitutional act. There is some agreement that those acts which may be said to produce any real structural or procedural changes in the Act of 1867 number fourteen.[13] Of these, at least four may be put aside since, although they were true amendments, they were passed merely to remove doubts of interpretation or to provide certain temporary formalities.[14] The remaining ten have made substantive alterations in the law of the constitution. These include the Parliament of Canada Act, 1875, and the British North America Acts of the years 1871, 1886, 1907, 1915, 1930, 1940, and 1946, as well as the two British North America Acts of 1949.

Still, the list is arbitrary. Who can say that the statutes contained in the first two groups are not of sufficient "importance" to be called constitutional? Some students of the subject have devised different lists.[15] In the foregoing, it should be noted that not all the statutes bear the title "British North America Act" and that none of them uses the term "(Amendment)" in its short title. But this has no legal significance since content, not legal form, determines whether they amend previous acts.

[11] Tarring, *op. cit.*, pp. 183–184.

[12] Clokie, *loc. cit.*, p. 5. It should be noted that these acts also authorize orders-in-council and that several such orders have been issued by the British government. R. MacG. Dawson states that "the acts and orders-in-council of the British Parliament, which have been passed since 1867 and which apply *specifically* to Canada, number thirty-two" (*The Government of Canada* [Toronto, 1947], p. 139).

[13] Clokie, *loc. cit.*, pp. 7 ff., cites the same acts to the date of his writing. See also Dawson, *op. cit.*, pp. 139 ff.

[14] Canada Copyright Act, 1875, Canadian Speaker (Appointment of Deputy) Act, 1895, and the British North America Acts of 1916 and 1943.

[15] In his *Constitutional Issues in Canada* (London, 1933), R. MacG. Dawson held that the Act of 1867 had been amended eleven times and that "Four of these were temporary . . . three were largely declaratory and were passed 'to remove doubts' in the Act; and only four were genuine amendments, viz., those of 1886, 1907, 1915, and 1930" (pp. 3–4). On the other hand, an official government list of the amendments which was published in 1928 included the Rupert's Land Act, 1868, the Alberta Act, 1905, and the Saskatchewan Act, 1905 (*British North America Act and Amendments, 1867–1927* [Ottawa], 1928). Two witnesses before the Special Committee of the House of Commons in 1935 gave different opinions as to what constituted the amendments to the Act. Mr. O. D. Skelton, Undersecretary of State for External Affairs, listed seven amendments, while Dr. Maurice Ollivier, Law Clerk of the House of Commons, listed only six, omitting even the British North America Act of 1930 (Canada, Parliament, House of Commons, Special Committee on the British North America Act, *Proceedings and Evidence and Report* [Ottawa, 1935], pp. 31–35, 56–57). Indeed, Dawson himself, as we have seen, gives a different list in his *Government of Canada. Constitutions of All Countries,* Vol. I, published by the British Foreign Office in 1938, lists as amendments only the acts of 1875, 1907, 1915 and 1930.

It is apparent from the confusion attendant upon any effort to state precisely how many times the constitution has been amended that, at least before 1931, it was impossible to speak with accuracy about constitutional amendment at all. Even disregarding those elements of constitutional law that rest on judicial decisions, conventions, etc., one cannot talk meaningfully about the written constitution, as Americans do. One must talk about the fundamental law that cannot be touched by the Dominion Parliament. Or to put it another way, since Canada's documentary constitution consists of British acts, we must try to ascertain which of those acts may be changed by the Canadian legislature and which are beyond its competence. This can best be done by a process of exclusion. If we can determine what statutes cannot be unilaterally amended by the Dominion Parliament, then everything else is within its competence.

Before 1931, Canada, along with other colonies and dominions, was limited by the Colonial Laws Validity Act, 1865, under which any colonial legislation in conflict with British statutes was invalid.[16] Canada could not amend British legislation at all; all British statutes that affected the British North America Act in any way were part of the Canadian constitution, untouchable by Canadian legislation. By the Statute of Westminster in 1931, however, Canada gained the right to alter any British statutes that were operative in the Dominion. This Statute repealed the restrictive provisions of the Colonial Laws Validity Act,[17] gave to dominions the right to enact extra-territorial legislation,[18] and surrendered the right of the British Parliament to legislate for the dominions without their consent.[19] If this new competence of the Dominion Parliament had not been qualified, it would have bestowed upon that body the power to alter at will all the provisions of the British North America Act, 1867, including Sections 91 and 92. But the provinces insisted that a clause be inserted in the Statute to continue the protection of the distribution of powers, and this was done. Section 7 of the Statute provides that "Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or to any order, rule or regulation made thereunder."[20] Moreover, it extended the powers granted in Section 2 to the provinces as well as to the Dominion, and restricted the legislative powers thus granted to the already existing competences of the Dominion and the provinces.

The purpose of Section 7 was to retain at Westminster the legal power to amend the constitution of Canada. But the Section does not say "the constitution of Canada"; it says "the British North America Acts, 1867 to 1930." And there is a considerable difference between the two phrases. Because of this difference, many elements that had theretofore been constitutional in nature no longer enjoyed immunity from alteration in Canada. The constitution, the fundamental law beyond the power of the Dominion Parliament, after 1931 consisted only of the "British North America Acts, 1867 to 1930." It is therefore necessary to determine what is included in this phrase.

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[16] Before 1865 any colonial act in conflict with British law applying to the colonies, whether statute or common, was invalid. The Colonial Laws Validity Act removed this restriction so far as common law was concerned; but colonial laws in conflict with British statutes applying to the colonies continued to be invalid.

[17] Sec. 2. [18] Sec. 3. [19] Sec. 4.

[20] A similar provision (Sec. 8) protected the constitutions of Australia and New Zealand.

First of all, any act not bearing the title "British North America Act" is excluded. This phrase is not by any means a general term covering any statute having to do with the British colonies on the North American continent, but is a precise legal denomination of a certain class of acts. Those not so titled are not included within the scope of the phrase. This seems fairly obvious, but on reflection it appears to be of considerable importance. For among those acts that must be excluded for this reason are the Canadian Speaker (Appointment of Deputy) Act, 1895, the Canada Copyright Act, 1875, and, even more important, the Parliament of Canada Act, 1875, which expressly repealed Section 18 of the Act of 1867 and provided a new section in its place.

Secondly, the clause excludes any act passed prior to 1867. The Short Titles Act, 1896,[21] had conferred the title "British North America Act" retroactively on five acts passed before 1867.[22] But since they preceded the early limit prescribed by the Statute, they were obviously not intended to be protected.

Remaining to be considered are the acts entitled "British North America Act" that became law between 1867 and 1930. There were seven of these, the Acts of 1867, 1871, 1886, 1907, 1915, 1916 and 1930. But even these seven are not a proper answer to the question of what is meant by the phrase in the Statute. For the expression "British North America Acts, 1867 to 1930" is not merely a description of a group of laws, but a precise legal term referring to a collective statutory entity, the contents of which must be ascertained by precise legislative definition. It is unfortunate that the term has been carelessly employed, but this is apparent from an examination of the short title sections of the several Acts in question.

The first effort to define the term occurs in the Act of 1886, Section 3 of which joins the Acts of 1867, 1871 and 1886 together as the "British North America Acts, 1867 to 1886." One might have expected that the Act of 1907 would contain a similar statement; but this was not the case. The next definition does not occur until 1915, when the Act of that year adds itself to the definition of 1886; the term "British North America Acts, 1867 to 1915," then included all previous Acts *except* that of 1907. The Acts of 1916 and 1930 add themselves to the previous definitions so that the final phrase "British North America Acts, 1867 to 1930" would seem to include the Acts of 1867, 1871, 1886, 1915, 1916 and 1930. But a further confusion is introduced by the fact that the Act of 1916, as well as a small part of that of 1915, had been repealed by the Statute

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[21] 59 & 60 Vict., Ch. 14.

[22] These dealt with Quebec, 1774, 14 Geo. III, Ch. 83; fur trade and courts, 1821, 1 & 2 Geo. IV, Ch. 66; trade and lands, 1822, 3 & 4 Geo. IV, Ch. 119; seignorial rights, 1825, 6 Geo. IV, Ch. 59; and the union of the Canadas, 1840, 3 & 4 Vict., Ch. 35.

Law Revision Act, 1927.[23] The Act of 1916 therefore was not in effect when the Act of 1930 added itself to its definition and cannot be included in the final list.[24]

Finally, the British North America Acts enacted after 1930 must be excluded for the same reason as that which excludes those passed before 1867, viz., that they are outside the time limits set in the Statute.[25] There have been five such Acts since 1930; each has added itself to the preceding definition and created a new legal entity. Writing in 1942, Professor Clokie argued that the Act of 1940 was protected by the fact that it had redefined the phrase to include itself, producing a new entity called "British North America Acts, 1867 to 1940," which was beyond the competence of the Dominion. Although the short title section of the Act of 1940 also made an effort to include the Act of 1907, which had theretofore been omitted from all the definitions,[26] Professor Clokie did not include 1907 in the list of protected statutes. Yet any argument that would include 1940, it would appear, should also apply to 1907, for both Acts were treated in the same fashion by the same authority at the same time.[27]

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[23] 17 & 18 Geo. V, Ch. 42.

[24] Professor Clokie excludes 1916, but for other reasons, which do not appear to be borne out by the statutes. He says "A third definition was unhappily made in the temporary Act of 1916, but this was subsequently dropped from the fourth definition made in the Act of 1930, which added itself to the 1885 (sic) and 1915 lists. The result is that the British North America Acts, 1867 to 1930, as protected by the Statute of Westminster, are the five following: those of 1867, 1871, 1886, 1915 and 1930" (*loc. cit.*, pp. 10–11). I think this a valid conclusion, but not for the reasons stated. There seems to be no difference between the definition of 1916 and those of other years; it adds itself to that of 1915 and produces a new entity, the "British North America Acts, 1867 to 1916." The Act of 1930 does not add itself to the definitions of 1886 and 1915, as Mr. Clokie suggests, but to that of 1916. The Act of 1916 was merely a temporary provision, and the question of its inclusion or exclusion is unimportant except for the principle involved. But it cannot have been included because it had been repealed in 1927.

K. C. Wheare lists 1916 as one of the protected statutes; he makes no mention of the difference to which Clokie refers, but at the same time does not allude to the fact of its repeal. *The Statute of Westminster and Dominion Status* (4th ed.; New York, 1949), p. 188.

[25] Wheare reached this conclusion, *ibid.*, p. 187.

[26] The omission had gone unnoticed throughout the discussions at the time of the passage of the Statute of Westminster and was not mentioned before the 1935 Special Committee on the British North America Act. It was apparently recognized first by Wheare, *ibid.* (1st ed.; 1938), p. 188.

[27] It is not quite clear whether Professor Clokie thinks the Act of 1907 should be included or not. At one point on page 11 he says so, but in his final list on that page he does not include it. On page 12 he says that its inclusion is doubtful. In his argument, however, it is clear that he thinks that the Act of 1940 accomplished its own inclusion; and if the relevant phrase includes 1940, then it must include 1907 for the same reasons. Clokie is of the strong opinion that such extension of the definition was not right: "The procedure of tacking an earlier Act to the short title section of a post-Statute amendment is undoubtedly a reprehensible method of producing a retrospective change in the provisions of the Statute of Westminster . . . it involves the propriety of withdrawing surreptitiously from the Canadian Parliament part of the freedom to repeal British statutes when this freedom had been secured by a solemn public agreement embodied in the Statute of

In summary, it seems to be a fair conclusion, on the basis of the statutes as they stood in 1949 before the passage of the second Act of that year, that all of the following elements had to be excluded from any list of the fundamental laws protected against amendment by the Dominion Parliament: all statutes not titled "British North America Act"; all acts properly titled that were passed either before 1867 or after 1930; and the Acts of 1907 and 1916. The only statutes actually protected were the British North America Acts of 1867, 1871, 1886, 1915 and 1930. In addition, there should be included the orders-in-council issued pursuant to authority granted in the protected statutes.

The British North America (No. 2) Act, 1949, represents the latest and greatest result of a long series of efforts to secure in Canada some means of amending the Canadian constitution without resort to the British Parliament.[28] It places in the hands of the Dominion Parliament the power to alter certain portions of the constitution, and in so doing it helps to establish the desired constituent authority in Canada. The change is far from complete, however, for there are a number of important areas to which the grant does not apply, principally those in which the provinces are most interested. The important section of the Act is as follows:

> 1. Section ninety-one of the British North America Act, 1867, is hereby amended by renumbering Class 1 thereof as Class 1A and by inserting therein immediately before that Class the following as Class 1:
>
> "1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirement that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House; provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House."

Despite the restrictions with which the section is hedged, the authority granted to the Dominion is considerable. Indeed, many of the provincial officers have concluded that it is much too extensive for comfort. The amendment was conceived by the federal government as a first step in a general transfer of constituent authority to Canada and was explained by the Prime Minister as

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Westminster" (p. 11). It is not quite fair thus to accuse the British Parliament of withdrawing this Act from the competence of the Dominion Parliament, for the deed was done at the latter's request. Like all such statutes, it was enacted at the request, and with the consent, of the Dominion Parliament; and the address of the latter body is identical with the statute as enacted. See Canada, *House of Commons Journals*, Vol. 80, pp. 149–150 (1940).

[28] For good accounts of these efforts see Maurice Ollivier, *op. cit.*, and the *Proceedings and Evidence and Report* of the Special Committee of 1935 on the British North America Act.

merely extending to the Dominion the same power to amend its constitution with respect to national matters as that which the provinces had already long enjoyed with respect to provincial matters, by virtue of the first clause of Section 92.[29] This explanation has scarcely satisfied the provincial representatives, who point out that rights and privileges guaranteed the legislature or government of a province may not be the same as those claimed and thought heretofore to have been secured to the province itself or to its people[30] and that in any case, in view of the vagueness of the new statute, the Dominion has become the judge of its own amending power.[31] All agree that the authority thus conferred is extensive and that it is difficult to determine precisely just what its limits may be.

We have seen that the original Act of 1867 contained no amending procedure, and that every amendment had to be made by the British Parliament since the Colonial Laws Validity Act did not permit the Canadian Parliament to alter any British statute. Then in 1931 the Statute of Westminster empowered the Dominion to alter British statutes, with the exceptions (according to the present analysis) of the British North America Acts of 1867, 1871, 1886, 1915 and 1930. These acts, and these only, were to be outside the amending authority of the Canadian Parliament. Now comes the Act of 1949 (No. 2), which is a clear amendment of that of 1867 and which grants to the Dominion Parliament the power to amend substantial portions of the constitution of Canada. And "constitution," be it remembered, is a much broader term than "British North America Acts, 1867 to 1930."

One might conclude, from the logic of the foregoing argument, that the Act of 1949 (No. 2) is not protected by the Statute of Westminster against alteration by the Dominion; since it was enacted after 1930, it would be excluded for the same reasons as those that excluded the acts of 1940, 1946, etc. Thus Parliament could alter it at will under the general powers of Section 2 (2) of the Statute of Westminster, although it could not alter it so as to conflict with the protected acts, or, in view of Section 7 (3), so as to extend Dominion activity into a provincial field. But this argument does not hold up under close scrutiny in the light shed by the Act of 1949 itself. For the Act destroys the distinction between those parts of the constitution that were alterable by Canada and those that, being protected by Section 7 (1) of the Statute of Westminster, were not so alterable.

The Act of 1949 (No. 2) is the latest act of the British Parliament on the subject of the Canadian constitution, and it prevails over any earlier act with which it may be in conflict. It clearly states that the Canadian Parliament may amend any part of the Canadian constitution except with respect to certain specified matters. The Statute of Westminster provided differently. Hence, so far as

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[29] *Proceedings of the Constitutional Conference of Federal and Provincial Governments, January, 1950* (Ottawa, 1950), p. 7.

[30] *Ibid.*, pp. 23 ff.

[31] *Ibid.*, pp. 23, 35, 42. The Premier of Quebec referred to the act as "most inappropriate and certainly a definite encroachment on provincial rights" (p. 68).

Canada is concerned, the Act of 1949 (No. 2) constitutes by necessary intendment an amendment to the Statute of Westminster as well as to the British North America Act, 1867. Before its passage the Canadian Parliament could amend anything except the five Acts named above. The new Act amends the Act of 1867 to allow Parliament to amend anything in the *constitution of Canada*—except with respect to the following items the protection of which is continued:

a. Powers assigned exclusively to the provinces (principally section 92)
b. Rights or privileges granted (by whatever constitutional act)[32] to the legislatures or governments of the provinces
c. Rights or privileges granted to any class of persons with respect to schools or the use of languages
d. The requirement of annual Parliaments and the five-year limit on the life of a House of Commons (with the proviso that this may be extended in times of real or apprehended emergencies).

The parts of the constitution that are thus protected are difficult to determine. That they are described in terms of subject matter rather than in terms of statutes and sections of statutes is unfortunate, because it makes the problem of interpretation all the more difficult.

What does the 1949 Act do to the distinction drawn in 1931? First and most obviously it divides the Act of 1867 into two parts, the first of which may be amended by the Canadian Parliament and the second of which may not. It is impossible at this time to draw up a precise list of those sections that are thus protected,[33] but certainly among them would be Section 92, which contains the exclusive powers of the provinces; Sections 58 through 90, which deal with the provincial constitutions and other provincial matters; Section 93, which concerns education; and Section 133, which concerns the use of the French and English languages. There are probably several others of lesser importance.

Of the four other Acts, in addition to that of 1867, that were protected against amendment by the Dominion Parliament, viz., those of 1871, 1886, 1915 and 1930, which are still protected under the provisions of the Act of 1949? Two of them clearly confer rights or privileges upon the governments or legislatures of the provinces and therefore are, in part at least, protected under the new guarantees. The Act of 1871 confirms the power of the Dominion to establish new provinces subject to certain limitations and requires the consent of the provincial legislatures to any subsequent changes in provincial boundaries. The Act of 1930 returned certain natural resources to the western provinces and assigned the control of them to the provinces concerned.

Whether anything in the Acts of 1886 and 1915 is still protected against Dominion alteration is doubtful. The specified protection is extended only to rights or privileges granted to the *government* or *legislature* of a province, and not to those granted merely to the province itself or to the people of the province. Both of these Acts are concerned (in part) with the representation of provinces in the Dominion Parliament; this would seem to be a right or privilege granted to the province but not necessarily to the government or legislature of the province. If this is a proper interpretation, as seems likely, then these privileges are not protected by the 1949 Act.[34] Thus an examination of the subject matter of the acts protected before 1949 reveals that, although substantial portions of them continue to be protected under the new formula, there are also important clauses that are no longer protected.

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[32] The use of the term "constitutional act" raises the interesting question whether some (i.e., non-constitutional) acts were meant to be excluded here. This is doubtful, however, since no such distinction exists in British law.

[33] See the *Proceedings* of the 1950 Conference where several attempts were made to formulate tentatively a list of these sections.

A further and more interesting question arises from this consideration of the differences between the Statute of Westminster and the Act of 1949. Under the former act, only certain specific statutes were not alterable by the Dominion Parliament. Anything else could be amended unilaterally by that Parliament, without the consent of either the provinces or the Parliament of the United Kingdom. The 1949 Act deals not with a series of specific statutes but with something called the "constitution of Canada"; it grants to the Dominion Parliament the power to alter that constitution except with respect to certain named subjects, mainly those in which the provinces are most concerned.

Now the "Constitution of Canada" is a much broader term than the "British North America Acts, 1867 to 1930" and it includes elements that the latter does not, such as, for example, all the British North America Acts since 1930. In view of this greater scope, it would seem that some features of this constitution may now be protected against Dominion alteration, by virtue of the exceptions in the Act of 1949, that were not so protected under the Statute of Westminster. This is certainly true of any provision of any act not protected before 1949 that conferred rights or privileges upon the legislature or government of a province. With respect to such instances, the Dominion Parliament has *lost* rather than gained power as a result of the passage of the 1949 Act. One example of this curious circumstance is the first British North America Act of 1949, which conferred upon the legislature of Newfoundland certain rights and privileges which would be protected under the new scheme, but could not have been protected under the Statute of Westminster since the Act was passed after 1930. Another example may be found in the Statute of Westminster itself, Section 7 (2) of which removes from the legislatures of the provinces the disabilities that still existed under the Colonial Laws Validity Act and grants them the right to make laws in conflict with British statutes. Finally the British North America Act, 1907, may be cited as a doubtful example of the same thing. This Act requires that certain minimum grants shall be made by the Dominion to each province "for its local purposes and the support of its Government and Legislature." The provisions of this Act still constitute a statutory minimum for Dominion grants to the provinces, but whether this provision may be construed as a "right or privilege granted to the Legislature or Government of a province" is uncertain. It seems clear, at any rate, that certain elements of the law of the constitution were subject to Dominion alteration under the former plan but are now protected by the exceptions of the Act of 1949. One may be permitted to wonder whether anything of this kind was intended by the Dominion government when it was pressing for the joint address that led to the passage of the Act.

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[34] See, for example, the remarks of the Premier of Nova Scotia who argued that such privileges are protected (*ibid.*, p. 73). Prime Minister St. Laurent denied this contention (p. 70).

All the same, the change in the amendment process introduced by the Act of 1949 is important. It will no longer be necessary to go to the British Parliament for alterations respecting a great number of subjects. Many of the British statutes enacted in behalf of the Dominion of Canada since 1867 could have been effected in Canada itself had the new procedure been in operation. No one will be more relieved than members of the British government themselves that much of this scurrying back and forth will no longer be necessary.

But the problems of the amending process in Canada have by no means been solved. The area outside the scope of the Dominion's power to amend is still very large. Nearly half of the operative sections of the Act of 1867 contain provisions that would still be protected and the whole problem of dominion-provincial relations remains untouched. Any changes in these provisions must still come, as before, through an act of the Imperial Parliament; and the procedure by which this machinery may be set in motion is no clearer than before 1949. The Act of 1949 was conceived as a first step toward the achievement of an amending procedure that Canada could operate wholly by herself. But this first step was the easiest; the really difficult task is still ahead, namely, that of securing agreement between Dominion and provinces on a procedure by which the provisions affecting provincial rights may be altered. This has been the chief obstacle to all previous efforts to reform the system.[35]

In January of 1950 a conference was held among the premiers of the provinces and the Dominion to examine the problem again. A greater measure of agreement was reached than by any other similar group in the past and the discussions were marked by a striking degree of amity and cooperation. A unanimous agreement was concluded by which the constitution would be divided into several different compartments and an amending procedure suited to its own peculiar nature would be assigned to each compartment. Thus those provisions affecting the Dominion only could be amended by the Dominion Parliament; those concerning only the provincial legislatures could be changed by the provinces alone; those which concern the Dominion and some, but not all, provinces could be changed by the Dominion jointly with the legislatures of each of the the provinces concerned; those which concern the Dominion and all of the provinces (and this would constitute the bulk of the constitution) could be amended by the Dominion Parliament with the concurrence of such majority of the provincial legislatures as might later be decided upon; and, finally, those provisions concerning the fundamental rights of education, language, justice, the solemnization of marriage, and the amending procedures themselves could be amended only by the unanimous consent of the Dominion and all of the provinces. This final category is likely to cause the greatest difficulty. The agreement is careful to state that the list here is "for instance but without restriction";[36] and the inclusion of more and more items in this category at the insistence of certain provinces would pose a very serious problem.[37] But if such problems can be worked out, there is much reason for hope in this proposal; its main principle, that of dividing the constitution into several compartments, has long been discussed in Canada and a considerable body of opinion supports it. It offers the very great advantage of providing a workable procedure and at the same time of giving due weight to the federal composition of the country and to the intensity of feeling concerning the privileges of minority groups.

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[35] There have been many of these, but the greatest effort, and the one upon which the most attention was centered, was that in connection with the investigations of the 1935 special committee whose report is cited above, n. 15.

But this in itself is not the solution; it is only the framework of a solution. It remains yet to assign the clauses and provisions of the constitution to these various procedures, and this task is likely to be long and difficult, with no certainty whatever that an agreement suitable to all provinces can be achieved. At the present writing the matter is in the hands of a continuing committee of attorneys-general of the Dominion and the provinces which have been assigned the work of separating the constitutional statutes into the appropriate divisions. On the results of this committee's efforts depends the future of Canada's amending power.

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[36] *Proceedings of the Constitutional Conference of Federal and Provincial Governments*, p. 117.

[37] The premier of Quebec, M. Duplessis, has already indicated that he considers the provisions regarding property and civil rights among the fundamental rights that should be thus protected (*ibid.*, p. 9).

THE ROLE OF CONTEMPORARY POLITICAL PARTIES IN CHILE*

ROGER S. ABBOTT
University of Michigan

Chile, along with Uruguay, is generally considered to have the most democratic of the present governments of Latin America, as well as one possessing a relatively high degree of political stability. Under a constitutional framework instituted in 1925 to remedy shortcomings of the preceding "parliamentary" government (1891-1925), Chile is now operating under a "presidential" type of government.

During the period prior to 1925, 138 ministries passed fleetingly across the governmental stage, including one whose role lasted less than twenty-four hours.[1] More significant, however, than the rapid rotation of ministers during the parliamentary era were the insufficiency of executive power and the marked lack of legislative concern not only for cabinet stability but even for the performance of essential governmental functions. The most serious result of this congressional attitude was legislative stagnation, highlighted by the frequent failure of the Congress to approve the budget and enact other necessary measures.[2] Accordingly, it was intended, in framing a new basic charter for Chile, to enhance the position of the chief executive,[3] to increase ministerial stability, and to provide for greater legislative responsibility, at least to the extent of assuring a minimum law-making job.[4] To what extent have these ends been achieved, and how does the presidential system operate in Chile?[5]

An initial puzzler in the picture of recent Chilean government is the fact that, while he is given a more influential and more independent position than formerly, with relief from the chaotic parliamentary system, the President still is not able to avoid fundamental changes of cabinet personnel resulting in considerable modifications of policy. These shifts are seldom of his own making, but usually are forced upon him by elements within and outside the Congress. Sometimes they occur with rather startling frequency and speed—even during the incumbency of such a firmly established President as the present González Videla, who since his inauguration in 1946 for his six-year term has had four "political" and two "administrative" cabinets.[6]

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[1] Luis Merino Darrouy, *Evolución del Poder Ejecutivo en Chile* (Santiago, Chile, 1949), p. 67. The period covered here is 1866–1924. The term "parliamentary," as employed in Chile, has reference to the French-continental form of government, rather than the British.

[2] In a letter of February 22, 1950, to the writer, José Maza, a Senator and one of the principal framers of the constitution, reported as evidence of stagnation the fact that during the transition period just prior to the adoption of the 1925 constitution, it was necessary to pass numerous decree-laws in order to bring the statutes governing political, educational, administrative and other matters up to date.

[3] The Chilean President, however, was assigned a six-year term without immediate reëligibility.

[4] Arturo Alessandri Palma, main force behind the 1925 constitution and twice President of Chile, in an interview, December 13, 1949.

[5] This article does not deal with the detailed history since 1925, but is concerned primarily with recent phases of the González Videla administration.

These alterations have not involved a complete turnover of cabinet personnel each time, nor have they all ushered in new lines of policy. As in the other Latin American states, the personality factor looms large in Chile. Much more, however, than loss of personal standing of certain *políticos* underlies some of the shifts. Cabinet stability (and potentially even the prestige of the democratic system) in Chile is affected by the impact of basic social-economic problems and by the appearance of vigor or weakness of the government in seeking to meet them. Before looking at the nature and political consequence of these problems, reference should be made to the political parties and their operation in the presidential system.

I. THE POLITICAL PARTIES

When discussing the strong French influence on Chilean political and cultural life, the late Arturo Alessandri and other prominent public leaders have invariably cited, *inter alia*, the large number of political parties.[7] This small nation of six million people, in fact, outstrips its Gallic model in this respect; the Chilean political spectrum includes eleven parties which have parliamentary representation. The spectrum ranges from the far Right (*Conservador Tradicionalista** and *Liberal**), to the Right-Center (*Conservador Social Cristiano** and *Liberal Progresista*), to the Left-Center (*Radical,** *Democrático* and *Falange*), to the Left (*Socialista de Chile* and *Socialista Popular**), and to the extreme Left (*Frente Nacional Democrático*, with obvious leanings toward the Communists, whose party was outlawed in 1948).[8]

A fairly important party, the *Agrario Laborista*, cannot be fitted into any

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[6] The "administrative" cabinets generally served for short periods as "caretaker" groups pending the formation of another "political" cabinet. The second administrative one, during part of February, 1950, was labeled by the delightfully irreverent humorists of Santiago as the "Coca Cola," or the "*pausa que refresca*," cabinet.

[7] Interview with Alessandri, December 18, 1949. Other leaders, such as Dr. Eduardo Cruz Coke of the Conservative Social Christian party and Juvenal Hernández, Rector of the University of Chile and prominent presidential possibility for 1952, made the same observation to the writer. Others, especially labor leaders, believed that Latin American *personalismo* (whether in the executive mansion or in political groups) has gone far beyond *gallicismo* in this respect.

[8] The starred parties have the largest delegations. The directional terms, of course, can give only a rough approximation of the parties' position and cannot precisely apply to all members of them. An anomaly in the Senate is the continued presence of two Communists whose 1945–1953 terms are being allowed to expire. (See subsequent analysis of the Communist party.)

precise segment of this spectrum, but it illustrates very well the complexity and oddity of Chilean politics. It was founded as the *Agrario* party in 1931 by southern agriculturalists, generally moderately wealthy and, for the most part, members of the long-established and key middle-class *Radical* party. The *Radicales*, however, had become somewhat too Leftist for them. In 1945 the *Agrarios* combined with the *Alianza Popular Libertadora*, a strange mixture of supporters of the ex-dictator-president, General Carlos Ibáñez, and of other elements which had belonged to the pre-war Nazi movement, by then officially disbanded.[9] The enlarged party then took on its double name and became a heterogeneous grouping of conservative agrarians and of dissident middle and lower class elements, some appearing to favor extremist measures but unwilling to affiliate with the splinter groups of Communist tendency.

The inscrutable figure in this party is the elderly (seventy-eight) but vigorous Ibáñez, who says that he is an "independent."[10] He commands a comparatively large following among the lower middle and laboring classes. Paradoxically, he seems to appeal both to some Communists and to some extreme Rightists, whose sole political motive in this instance apparently is the fervent desire to oust the *Radicales* from the *Moneda*, the presidential palace, in 1952.[11] It is possible that this "man-on-horseback" could again vault into the executive saddle in the event of an acute economic crisis.

Briefly examining the components of the political spectrum from Right to Left, one may say that the *Liberales* are generally the most conservative. Recruiting primarily from the upper levels of business and finance, the *Liberal* party has 33 of the 147 members of the four-year Chamber of Deputies (1949–1953) and 12 of the 45 Senators (eight year terms, partially renewed every four years, with about half elected in 1949). Organized in the 1840's[12] and one of the oldest in Chile, this strong and well-united party has also been represented in most cabinets—until February, 1950.

The *Conservador* party, of equal antiquity and in the tradition of the early landed oligarchs, has been beset by frequent internal discord during the last two decades. In 1938 a group of young Conservatives broke off from the party to form the *Falange Nacional*. Unlike other *Falangista* movements in Latin America, this small group is not pro-Franco and ultra-Rightist. To the contrary, considerably influenced by Jacques Maritain's writing and by several Papal Encyclicals, it represents a progressive Catholic view favoring closer relations with labor and a more advanced social-economic policy for the state.[13] With growing influence and made up of widely respected young men of sincerity and intellect, it is a bloc which is more significant than its congressional representation of three Deputies and two Senators would indicate.

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[9] A number of well-placed observers, some of them members of the prominent German colonies in the southern Chilean cities, told the writer in January, 1950, that Nazi tendencies had become dormant, not extinct.

[10] In an interview with the writer, January, 1950. Nominally, Jaime Larraín, moderately wealthy and of aristocratic social standing, is the leader, but Ibáñez has a wider influence within and outside of the party.

[11] See below pp. 456–457, for a discussion of the role of Ibáñez in relation to the Communist party.

[12] René León Echaíz, *Evolución de los Partidos Políticos Chilenos* (Santiago, Chile, 1939), pp. 33 ff.

A split more serious for the ancient *Conservador* party occurred in 1949 when it divided into two factions, the *Tradicionalistas* and the *Social Cristianos*, each claiming the official title "*Conservador*" for electoral purposes. (Nomenclature is especially important in the rural areas, where an established party name may carry more weight than platforms or even personalities.) The names of the two factions are fairly indicative of their respective general attitudes. The former is composed to a considerable extent of the owners of large agricultural *fundos;* the latter includes progressive Catholics from the middle and upper classes, who compare themselves with the postwar Christian Socialist parties in western Europe and whose opinions, in general, are less advanced than those of the *Falange*.[14] The *Tradicionalistas* have the larger congressional delegation (21 Deputies and 6 Senators, compared with 12 and 2, respectively, for the other wing); but in the nation-wide municipal elections of April, 1950, the two parties ran much more closely than these figures would indicate. This may have resulted partially from the success of the *Social Cristianos* in securing from the election tribunal in January a ruling which gives them exclusive use of the title "*Conservador*."

The strangeness of Chilean politics was emphasized in 1950 by the sharpness of feeling on social-economic issues among members of these two Conservative groups. When the *Tradicionalista* wing dropped out of the cabinet in February, the other group actively entered the President's administration. A prominent *Social Cristiano* and, strangely, a millionaire from financial operations, Carlos Vial Espantoso, took the key post of finance minister. He undertook—with little success—vigorous controversial measures involving, *inter alia*, increased income levies, especially in the agricultural field, and anti-inflationary steps, such as increased state control of investment and of credit and enforced savings. His curious maternal name, Espantoso (frightful), aptly describes the reaction which his proposals produced in the Congress among the Rightist benches of *Tradicionalistas* and others.[15]

Moving to the Center and Left-Center of the political spectrum, we encounter the most important party, the *Radical*. Having broken off from the

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[13] This conclusion is based upon interviews which the writer held in January and February, 1950, with several leaders of the *Falange*, including Bernardo Leighton (several times a minister and assigned the education portfolio in February, 1950), Eduardo Frei (a distinguished young Senator) and Tomás Reyes (party president).

[14] Eduardo Cruz Coke, a former presidential candidate (with evident, if undeclared, 1952 aspirations) and a prominent Senator, in an interview, February, 1950, made the comparison *vis-à-vis* the European Christian Socialist parties but did not concede any basic difference in outlook between his party and the *Falange*, adding that the *Social Cristianos* are merely more cautious. However, "*anti-Cruz Cokistas*" in that party are markedly more conservative than the physician.

[15] See below, p. 459.

Liberal party in the middle of the nineteenth century, it gradually evolved as the strongest party, supported largely by the growing middle class and partly by some labor and other moderately Leftist elements. Since 1938 the *Radicales* have provided the Presidents and the axis of their cabinets; and in the process, of course, they have acquired a vital stake in, and support from, the public service. Their Senate group totals 12 and their Chamber 42.

The doctrinal basis of this party has a moderately socialist tinge, favoring a considerable amount of state intervention and control. Some of the *Radical* leaders believe that Chile, essentially a poor country with inadequate capitalization and economic development (notwithstanding its highly exploited mineral resources), needs extensive state planning. They contend that the government must manage and direct the country's limited human and physical resources in terms of the most vital needs and that foreign loans, while essential, are not the only answer.[16]

However, the party leaders and membership are by no means entirely Leftist in tone. In the National Executive Council, or CEN (with fourteen members comprising Congressmen, regional delegates, and leaders from labor, youth, and women's organizations), a majority has a middle-class, slightly conservative attitude, not advocating sweeping governmental direction and control. It is the "*anti-Cenista*" minority which expresses a more doctrinaire radical line. And since some of the more vocal members of the rank and file, who occasionally debate party policy and public issues in *asambleas*, are inclined to line up with the "*anti-Cenistas*" in the top body, at times sharp criticism of the President and the party can be heard at the grass roots level. Some party leaders attribute the Centrist, rather than clearly Leftist, tendency of party action at the top to the exigencies of securing working congressional majorities, viable ministerial combinations and, perhaps also, United States loans for economic development. The continuance of such aid might be endangered, according to the theory, if the Chilean government appeared to be becoming too "radical."

Quite close to the *Radical* party is the small *Democrático* party, with one Senator and six Deputies. Stemming mainly from a middle-class artisan background, this group is occasionally critical of *Radical* administration policies; but it wields little influence, except when it can tip the balance in closely contested congressional votes. In such instances it has generally backed the *Radicales*.

The non-Communist Left portion of the political spectrum is marked by disunity, relatively poor party discipline, and *personalismo* of some of the leaders, at the expense of group interest. The Socialist party, in existence only since 1933, was preceded by various small groups, whose views ranged from evolutionary socialism to communism (this group being the only one of importance), extreme syndicalism and anarchism. These were mainly workers' societies, existing primarily in the nitrate, copper, and coal-mining areas. Industrial workers' groups developed very slowly, and have never become a great source of strength for the Socialist and Communist parties. Organized labor, which has been excessively penetrated and manipulated by political parties (Centrist and Rightist, to a slight extent, as well as Leftist), has never furnished great support to socialism.[17]

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[16] Juvenal Hernández (see note 7) is one of the leading exponents of this general view.

Since its creation, the Socialist party has been plagued with frequent splintering. A major division occurred in 1948, with the party segmenting into the *Partido Socialista de Chile* and the *Partido Socialista Popular*. The latter, with a more clearly Leftist position, has gradually become stronger than the former, which lost considerable prestige in Leftist circles by staying in the Rightist-dominated *"Concentración Nacional"* until February, 1950. This weaker group is widely accused—and with some justification—of being an instrument of the personal ambitions of its leaders. The *Partido Socialista Popular* suffers somewhat from this human limitation, but appears to have succeeded in developing more organizational vigor and discipline than its rival. The two parties, however, have a total legislative membership of only 11 Deputies and 3 Senators. The large mass of underprivileged Chileans, whose lot is especially unfortunate under present accentuated inflationary conditions, would seem to offer fertile ground for socialist and/or communist expansion. The prospects, however, of socialist unification and increase of strength do not seem great.

While it stemmed from several decades of social strife, especially violent in the northern nitrate fields at first, the Communist party was not organized until 1921, when it became a branch of the Third International. Its founder was Luís Emilio Recabarren, the most outstanding of the early Leftists in modern Chile.[18] Long a labor organizer, propagandist, and militant, Recabarren formed the Socialist Worker party in 1912. Rapidly expanding its influence among labor in various sections of the country, this party formed the basis for the Communist party.

It was not, however, until the 1930's that Communism developed an effective strength. Previously, it had been rent by the formation of Stalinist and Trotskyist factions, although the latter group eventually declined and was forced out of the party. (Some of its leaders even entered the Socialist ranks.) Moreover, the drastic political suppression—of Rightists as well as Leftists—during the Ibáñez dictatorship (1927–1931) had handicapped the Communists. It was after the return to political liberalism under Alessandri that the unrepressed Communists were able to extend their influence, especially in labor circles and among some intellectuals. The congressional delegation jumped from only two Deputies in 1932[19] to a peak of 16 Deputies and 3 Senators in 1941; in 1945 this number declined slightly to 15 and 3—a position maintained until the outlawing of the party in 1948. In proportion to the total membership of the Congress (147 and 45), this Communist representation was uniquely strong in Latin America; but even these figures do not fully reveal the party's gains, especially among labor unions.

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[17] The *Confederación de Trabajadores de Chile* (CTCh), which represents a little over half of organized labor, is split into Communist and non-Communist wings. The former is somewhat stronger. The latter includes some *Radicales* and others, as well as socialists. Most labor leaders deplore the political orientation of the unions, which deëmphasizes their service function for the workers and provides a major obstacle to their attaining greater unity. The other unions are mainly small craft and individual industry groups.

[18] Although the Socialists claim him as their primary precursor, the Communists have disowned him. Prior to his suicide in 1924 (attributed by some to disillusionment and cynicism following his return to Chile after a trip to Russia), his ideas, according to the Communists, had reached the point of a "democratic bourgeois" outlook; while Recabarren had done much for the labor movement, his modified thinking was "checking the revolutionary development of the proletariat." Senator Elías Lafertte, prominent Communist and labor leader, in an interview, February, 1950.

Even non-Communists concede that the party has excelled both in discipline and in adaptability to circumstances.[20] Its superior disciplinary strength is due in part to its firmly maintained doctrinaire Communism. However, like Communist parties in western Europe, it veered to the "popular front" tactical cooperation with other Leftists and even middle-class elements (the *Radicales* in Chile) in the late 1930's.[21] And notwithstanding the demise in 1941 of the never firmly united *Frente Popular* regime, the Communists in general did not revert to their earlier position of political isolation and uncompromising extremism. Despite its close adherence to the Russian "party line"—which has swerved so abruptly upon several occasions since 1940—the party has proclaimed its status as a domestic movement[22] and has found it expedient to ally itself with other Leftist and even Centrist forces for electoral purposes. This policy was climaxed when the Communists gave the margin of victory to González Videla in 1946.

The party has exploited its associations with other groups to expand its influence. Its achievement of organizational strength, however, is attributable more to its long training and experience in handling complaints by labor unions and by individual workers against their employers in a wide variety of matters, relating not only to wages and hours but also to technical interpretations of labor contracts and enforcement of legislative provisions referring to working conditions and benefits. Leaders of other parties seeking to enhance their standing in the working classes generally recognize this asset of the Communists and are now trying to improve their own party services to labor.[23]

The Communist party was once again isolated (this time not by its own choice) and was eventually outlawed after the postwar rift between Russia and the Western world had developed. The Chilean government policy was clearly a consequence of its concern for continued and even augmented financial aid from the United States.[24] But although its existence has been largely underground since 1948, the party appears to have lost little of its strength. Represented directly now by only two Senators and unofficially by extremist fringe groups (having merely two Deputies), the Communists, nevertheless, are still quite active and potentially powerful. Evidence of their strength was the result of the unofficial Communist backing given to the senatorial candidacy of Ibáñez in 1949. Ibáñez, a self-declared Leftist (but not Communist) despite his earlier dictatorial record, demonstrated a strong demagogic appeal during difficult economic times when he amassed the largest vote ever recorded for a Senator; and it was a vote clearly swelled by Communists. In 1950 the official Communist position *vis-à-vis* Ibáñez became one of watchful and reserved support.[25]

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[19] The Trotskyites also had one Deputy and one Senator in 1932.

[20] Eduardo Frei, *Historia de los Partidos Políticos* (Santiago, Chile, 1949), p. 232.

[21] See John Reese Stevenson, *The Chilean Popular Front* (Philadelphia, 1942), for an excellent brief treatment of this period. The subject of Communism in Chile is dealt with rather intensively by S. Cole Blasier, "Chile: A Communist Battleground," *Political Science Quarterly*, Vol. 65, p. 353 (Sept., 1950).

[22] The writer discovered no documentary evidence of financial support for the party from Russia or international Communism, or of official connection. However, Communist speeches and literature contain frequent references to the official international "line," whether relating to U. S. "imperialism," Communist China, or other topics. The party's political organization and newspaper, *El Siglo* (prior to their abolition), were in a much easier financial position than those of other Leftist groups, a fact which could not be attributed to party dues. Chilean Communist leaders made a number of visits to the U.S.S.R. and Comintern agents came to Chile upon occasion before 1943.

[23] Leaders of the *Conservador* (*Social Cristiano*) party, the *Falange* and the two Socialist parties reported this goal to the writer in interviews in January and February, 1950.

Another evidence of continued Communist vigor is party domination of the majority wing of the General Confederation of Labor.[26] Moreover, Communists have been able to exploit occasional popular demonstrations, especially in Santiago, against the high cost of living and price increases for urban transportation and other necessities of life. Several of these protests, especially in August and October, 1949, resulted in a few fatalities and considerable injuries and destruction of property.

Can the Communists become stronger and constitute a threat to the democratic regime? Although the latter possibility now appears very remote, the standing of the Communists depends on whether living conditions become much harsher and on the success or failure of the government in seeking to alleviate such pressures. The restrictive anti-Communist policy of the government has done little to undercut sources of Communist strength.[27]

II. RECENT TRENDS AND PROBLEMS

The pattern of *Radical* party coalitions with other groups has been marked by several oscillations. In the first few years after 1938 the *Radicales* seemed to be embarking upon a strikingly, although not completely, collectivist program, in the company of genuinely Leftist parties, including the Communists as well as the Socialists. However, internal dissension, opportunism of the Communists, the continuing economic and congressional strength of the Right and other factors prevented this loosely formed *Frente Popular* from acquiring real vitality.[28] By early 1941 it fell completely apart, never to be revived during the following decade. In the opinion of most Leftists, no *Radical* President has been as socialist in tendency as was Pedro Aguirre Cerda, the chief of state during the Popular Front period.

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[24] See following paragraphs for other aspects of this decision.

[25] Although disclaiming presidential ambitions for 1952, Ibáñez revealed interest in a possible "draft" in an interview with the writer in November, 1949. Galo González, the Communist party's secretary-general in hiding, when quizzed about Ibáñez, said that his party judges men by their present attitude, rather than by their past. The party values the expressions of Ibáñez in favor of "democracy," but feels that certain "reactionary elements" in his entourage have prevented him from definitely joining the "democratic ranks." *Democracia*, Santiago, May day edition of April 29, 1950.

[26] See note 17.

[27] The President has stressed the value of this policy in making it more difficult for the Communists to carry on their publications and other propaganda activity and in complicating their efforts to infiltrate and dominate work units in the coal mines and elsewhere (in an interview with the writer, May 25, 1950); and the frequent Communist protests against these "anti-democratic" restrictions attest to their nuisance value. However, even leaders of Rightist parties have conceded that Communists, while ousted from union posts and sometimes deported to remote parts of the country, have not lost all of their influence in the labor movement.

The succeeding presidencies—including that of short-lived Juan Antonio Ríos, followed by that of González Videla—have had a predominantly middle-class orientation, veering at times somewhat toward the Right and generally evoking opposition from much of the Left. Paradoxically, however, during the first phase (November, 1946, until the middle of 1947) of González' presidency, the cabinet included *Radicales, Liberales* and *Communistas*, but no *Socialistas*. This very rare mixture—especially for Latin America—of Communists and extreme Rightists grew out of the new President's political obligation to the *Communistas*, who had delivered to him some 50,000 votes, the margin of his victory.

Perhaps it was initially believed that this extremist party would nevertheless operate as a purely domestic movement and in a democratic manner.[29] However, it soon became apparent that it was "reverting to (its) pre-war line of international Communism" and was constituting a subversive threat.[30] The three Communist ministers were finally dropped in July, 1947, and the party was almost completely deprived of legal status in the following year.[31]

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[28] Stevenson, *op. cit.*

[29] This thesis was developed in a presidential speech in November, 1949, before the Osorno agricultural and industrial exposition; text in *El Mercurio* (Santiago), Nov. 5, 1949.

[30] *Ibid.* The threat was arising mainly in the coal mines and in rural areas, in which the party was rapidly organizing labor units; it was profiting from its strategically placed ministers—agriculture, lands and colonization, and public works. A prominent Socialist leader and professor expressed the opinion to the writer, in October, 1949, that the decision to suppress the party was also due to the unfavorable reaction of capital interests in the United States to a "red regime" in Chile.

[31] The only qualification was that congressional terms were allowed to expire; the party was thus able to maintain a nuisance force of 15 Deputies until 1949 and of two Senators until 1953. The third Senator, the famous poet, Pablo Neruda, eventually lost his seat in 1949 as a result of his continued absence from Chile. Over 26,000 names of "officially affiliated" Communists were stricken from the electoral register. Although the party's influence had been much more widespread than this figure implies, it has been contended by many critics of the government that non-Communists were included in the group. Official party newspapers and other forms of expression also were prohibited. In practice, however, the new laws had little meaning because of the springing into life of unofficial parties and organs of Communist line, at the same time that clearly non-Communist Leftist expression was somewhat restricted under the provisions of a rather indiscriminate "Defense of Democracy" law passed in 1948 and of executive emergency decrees. Although not repealed, these measures were quite modified in the spring of 1950. Meanwhile, the Communist party leadership has remained mainly underground; the Senators, although renowned labor battlers, are not top party strategists.

Later cabinet combinations, especially the *"Concentración Nacional"* from July, 1948, to February, 1950, marked a noticeable swing toward the Right. The *Radical* party was given basic support by the congressionally strong *Liberal* and *Conservador-Tradicionalista* parties. One of the underlying features of the Chilean politics is the continuous weighty electoral position of the well-financed and organized parties of the Right. The *Liberal* party is number two, running not far behind the *Radical*, while the *Conservador-Tradicionalista* and *Conservador-Social Cristiano* are close challengers for the third ranking. The other groups, including even the pivotal *Radicales* as well as the Leftists, have considerably less unity, discipline, and organizational strength.

Rightist political strength, depicted so clearly by George McBride some fifteen years ago,[32] seems to have diminished little since then, notwithstanding surface political changes beginning in 1938. Nonetheless, the most recent pendulum swing, in February, 1950, appeared to have been slightly toward the Left of Center. At that time a surprising strike (relating mainly to minimum wages) of private white-collar workers rapidly expanded into an almost complete nation-wide demonstration of private and public employees and forced the President to remove his two Rightist partners of the *"Concentración Nacional."* He then formed a cabinet composed principally of *Radicales*, *Social Cristianos* and *Falangistas*. The majority Socialists (*Socialistas Populares*) gave the new regime half-hearted support but declined to enter the cabinet while the minority Socialists (*Socialistas de Chile*) vanished from the governmental picture because of their previous working alliance with the Rightist parties in the cabinet coalition.

In the months following this change, sharp debates developed in the Congress and elsewhere, particularly over proposals of the new finance minister to increase taxes in the industrial and agricultural categories and to introduce more extensive credit controls and other anti-inflationary measures.[33] However, the Rightist strength in the Congress, combined with a lack of agreement among the forces of the Center and moderate Left, prevented any thoroughgoing changes. By late 1950 (November) it appeared that the moderately reformist spirit of the *Social Cristianos* and *Falangistas*—spurred and assisted by the youthful and growing confederation of white-collar unions—had failed to dominate the Congress or the cabinet into which it had entered. An eventual ministerial combination featuring primarily an unenthusiastic remarriage of Rightists and Centrists (possibly accompanied again by a few moderate but independent Leftists) had become possible.[34] Like the primitive but sturdy farm cart drawn by a pair of plodding oxen in many parts of the Chilean *Campo*, the government continued to be drawn by the forces of *Radicalismo* slowly but steadily along the dusty road of Chilean democracy.

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[32] *Chile; Land and Society* (New York, 1936). Translated by the University of Chile Press, this study is generally highly regarded, although with some reservations by the more conservative, in Chilean intellectual circles.

[33] A considerable increase in civil service pay, however, while defensible in terms of the previous decline in the economic position of civil servants, provided a considerable inflationary factor. The minister, Vial, resigned in order to seek the senatorship vacated by the death of Arturo Alessandri in August. He was succeeded by another *Social Cristiano*, Rucio Yrarrázabal, a man of less force and ambition. The resignation of Vial was generally considered a victory for the President, who distrusted Vial's political aspirations.

The oxen have not been willing to follow the unpopular path of extremely difficult anti-inflationary steps previously mentioned.[35] In another direction, however, they have moved quite vigorously. To change the figure, the oxen have been replaced by tractors and trucks, especially during the past decade, in some parts of the rural areas. Agricultural mechanization and expansion have become an important part of a significant economic development program.[36] This program, which also stresses further extensive industrialization, is being promoted by a governmental development corporation. This *Corporación de Fomento de la Producción*, or CORFO as it is commonly cited in Chile, was established in 1939. It is the first Latin American institution of its type put into effective operation, and has stimulated the rise of somewhat similar agencies elsewhere.

The most encouraging aspect of Chilean governmental policy, the development program, has for goals an increase in productivity and a reduction in the excessive reliance of the economy on exports and foreign sale of copper and nitrate, to be accomplished by diversifying and enlarging Chile's industrial and agricultural output. A net effect, of course, would to be raise the standard of living. Like other relatively underdeveloped countries, Chile now has a low average standard of living, characterized by depressed income, inadequate nutrition and poor housing and health conditions for a large proportion of the population; and the situation is complicated by an ever-intensifying inflation of many years' duration, illustrated by a rise in the cost of living index from 100 in 1937 to over 570 by the end of 1949.[37]

Underlying causes of the economic problems are insufficient productivity of the economy, domestic monetary expansion,[38] and excessive dependence on foreign sales of nitrate and, especially, copper. Sharp fluctuations in the value and volume of these sales—as in the case of the drop of the price of copper in 1949—severely affect the economy; they cut down government revenue from taxes on these exports, and, as a result of a reduction of dollar exchange, necessitate the curtailment of imports vital for consumer and industrial use.

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[34] This tentative assessment is based partly on nonpartisan academic sources in Chile, which the writer is not free to identify. The *Confederación de Empleados Particulares de Chile*, headed by young, personable, dynamic Edgardo Maass, had achieved wide publicity and apparent popularity in February and March. Although influential in the cabinet change, Maass sought to remain nonpartisan and keep his group free from political entanglements. He was unable, however, to influence the new cabinet or the direction of its policies to any considerable extent.

[35] Another internal difficulty, not confined to Chile, is the widespread lack of discipline in personal habits such as extravagant buying of luxury foodstuffs and other nonessential consumption goods and gambling by people of sharply limited income. Many Chilean economists and other technicians, as well as foreign observers, comment on the impact of such practices on the economy.

[36] A study in 1949 by the Economic Commission for Latin America (CEPAL) of the United Nations Economic and Social Council revealed that 25 per cent of Chile's cultivated land had become mechanized, compared with only 18 per cent in Argentina and 15 per cent in Mexico. Mechanization, however, could be extended in Chile by only 25 per cent more, as compared with 50 per cent additional in the other two.

[37] Estimate by *Dirección General de Estadística*, Santiago. Such indices and other statistics in Chile are not technically flawless, but the figure gives an approximate indication. **The index has not shifted appreciably during 1950.**

By enlarging the productive economy, the *Corporación de Fomento* is attempting to make Chile somewhat less subject to the vicissitudes of foreign market fluctuations. An augmenting of domestic goods will also provide one of the necessary means for checking inflation. By means of carefully formulated technical plans and of over one hundred million dollars of credits secured from the United States Export-Import Bank and the International Bank for Reconstruction and Development, the CORFO has therefore instituted such development programs as a new steel mill (planned capacity about 200,000 tons annually), a series of hydroelectric power plants in the Andes, a group of oil wells near the Magellan Strait, and agricultural mechanization, land clearing and irrigation projects.

In general, the political parties, except those groups of Communist line, favor the concept of economic development. Even the Communists advocate material expansion, but primarily in terms of industrialization; they particularly wish to see industry assume a proportionately greater role than agriculture, where their organizational efforts have achieved very little success. As might be expected, they do not endorse the CORFO's general method of procedure, which includes the technical planning of a project (such as the steel plant), the securing of foreign credits, sometimes supplemented by private investment by Chilean and foreign stockholders in the new enterprise, and joint operation of the completed enterprise by a board representing public and private interests.[39]

Although the Communists naturally contend that the CORFO has become the "tool" of private capitalists, both domestic and foreign, many of the Socialists accept the CORFO and its programs. Nonetheless, they sharply criticize certain of its policies, such as its decision to permit private companies to establish derivative industries benefiting from the new steel mill.[40]

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[38] The Chilean peso has declined from 12 United States cents in the late 1920's to 1.66 in early 1950 at the official rate, and about one cent in the uncontrolled market.

[39] A few of the basic projects, especially hydroelectric power and petroleum extraction, are almost entirely or completely under state ownership. The "mixed" enterprise, however, is the most typical. In the early years of the CORFO some loans were extended to private companies to permit their expansion, but this type of development has been reduced to a very small scale. In the last few years the CORFO has concentrated on the large, long-range projects, beyond the financial means of private enterprise.

[40] They also contend that governmental policy has given further encouragement to already strong monopolistic interests. One of the leading members of the dominant Popular Socialist wing told the writer that his party endorses the basic socialist tenet of public ownership and operation of the major segments of the economy, but that such a goal is not attainable in an undeveloped country dependent on United States credits for its expansion. Left-wing elements also devote much attention to the subject of continued foreign "ex-

As the primary operators of the CORFO, the Radical Party and some other middle-of-the-road elements are its most enthusiastic supporters. Other Center and moderately reformist groups, especially the *Falange* and the Social Christians, approve of the CORFO but with varying degrees of reserve, principally with reference to alleged inefficiency, extravagance, and "bureaucracy" in some of its operations.[41]

Probably a majority of the Conservatives, especially in business and industrial circles, support the economic development program in its main lines. The type of criticism bearing on "bureaucracy" is raised, and there is some skepticism concerning the ability of the new industries, especially steel, to locate adequate domestic and foreign markets to absorb their output.[42] A somewhat related argument voiced by some landed conservatives, as well as by other persons, even in Leftist ranks, is that it would be preferable to give priority to increasing farm output, in order to benefit rural producers (and possibly farm hands) and to alleviate under-consumption in the cities. As previously noted, a significant portion of the CORFO's activity has been directed toward modernizing and expanding agriculture; but these critics hold that Chile cannot do this adequately and industrialize further at the same time. The most pessimistic or cynical of them add that Chile is too small and poor a nation to undertake so much.

Notwithstanding such dissents, the CORFO is generally underwritten by most Chileans who are concerned with the economic state of their nation. The main significance thus far of the work of the CORFO lies not in any notable improvement in production or in the living standards. It exists rather in the fact that industry and agriculture are being expanded by means of intelligent utilization of natural resources and of foreign loans. During the next decade or so such an increase in Chile's productive capacity can be of great aid in raising the consumption level of the masses and in giving a firmer economic base to the long-established democratic tradition of the nation. The ultimate success of the measures will depend considerably on international economic relations and on the extent to which other domestic action is taken to counteract inflation and to undertake socio-economic amelioration.[43]

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ploitation" of most of Chile's mineral wealth, but space limitations do not permit an analysis of the large subject.

[41] While these charges are probably exaggerated for political purposes, such shortcomings are almost inevitable in any new and relatively large agency of this type and, in the opinion of the writer, do exist, although perhaps on a lesser scale than in the first years of the CORFO.

[42] The doubt is a legitimate one entertained by those of other political complexion as well and considered seriously by CORFO officials. Long-range prospects cannot be entirely foreseen, but they seemed adequate to the official planners in Santiago and the reviewing officials of the lending banks in Washington.

[43] Space limitations preclude an analysis of the difficult housing, education, health and other social problems, and of the government's efforts to deal with some phases of them. These questions are briefly examined in Francisco Pinto, *Seguridad Social Chilena* (Santiago, 1950); and they, as well as the contributions and shortcomings of the CORFO, will be considered in the writer's monograph on the government of Chile.

III. CONCLUSION

To sum up, the presidential system, especially as it has operated in recent years, has produced a somewhat greater measure of cooperation in executive-legislative relations than existed under the preceding parliamentary form of government in Chile. Although important groups within the Congress may disagree sharply with policies or administrative measures of the President or of some of his ministers, the Congress does not fail to enact appropriations, to act on presidential nominations or to take other necessary steps to keep the regular functions of government in operation within a generally democratic framework. On the whole, the political parties, in bringing pressure to bear on the executive and in jockeying for political advantage in future elections, are now inclined to give support to the principle of relative cabinet stability. Certain parties or groups may force cabinet changes, but among most politicians there is a greater sense of responsibility than before regarding the necessity of either participating seriously in a governing coalition or of engaging in constructive opposition.

Individualism, personal ambition and uncertain discipline continue to be dominant in most of the numerous political parties. Despite their departure from the governing coalition in 1950, the Rightist forces continue to be powerful in the Congress and elsewhere and conceivably could resume a cabinet role. The middle elements, especially the key Radical Party, are not united on policy, particularly with reference to the socio-economic area. Similarly, the non-Communist Left is disunited and badly splintered organizationally. The Communists, although proscribed from maintaining an official party, appear to have declined little in real strength and excel most other groups in discipline. A severe crisis could sharply enhance their standing.

In the vital socio-economic sphere the democratic parties, on the whole, have given support to the vigorous efforts of the government to improve the productive economy. In the long run, increased agricultural and industrial yield may pay substantial dividends in strengthening Chile by rendering her less dependent on the outside world, in checking inflation to some extent by augmenting supply, and in eventually providing a base upon which to build a better living standard for the masses. As for the associated problems of combatting the inflation by financial and other regulatory measures and of undertaking housing and other social reforms, the major parties have attained no minimum consensus, nor has the government been able to propose a comprehensive program. In this very difficult area the Chilean democratic parties—and Chilean democracy itself—face a basic challenge.

THE PARLIAMENTARY ROLE OF JOINT STANDING COMMITTEES IN SWEDEN

NEIL C. M. ELDER
Oxford University

The joint standing committees of the Swedish Parliament are unique institutions of particular interest to the political analyst.[1] They are the very linchpin of the legislative process in Sweden; they mediate in the event of intercameral disputes; and they even arrogate to themselves quasi-governmental powers when the government cannot muster a majority in the legislature.

Five of these committees were provided for in the Swedish written constitution of 1809, which is still in force. Since 1809, four new joint standing committees have been established, all necessarily by constitutional amendment, bringing the total up to nine. The titles of these nine committees are as follows: Appropriations, Ways and Means, Banking, Basic Laws, Agriculture, Foreign Affairs, Legislative Committee No. 1, Legislative Committee No. 2, and Legislative Committee No. 3 (the last-named being founded in 1950).[2]

The joint standing committees are made up of an equal number of members from each of the two houses of the Riksdag who are chosen by proportional representation for what is, in effect, a renewable one-year term. In their operation, these committees present distinctive characteristics which affect vitally the functioning of the Swedish parliamentary system.

I. THE ROLE OF THE COMMITTEES IN THE LEGISLATIVE PROCESS

The great majority of the bills dealt with in Parliament must pass through one or other of the nine committees. Once or twice a year the two Chambers of Parliament may agree to set up a select committee in order to deal with a particularly complex and/or controversial piece of legislation.[3] There is also an arrangement whereby one or more standing committees may agree *inter se* to delegate some of their members to serve on a composite committee; and this procedure is frequently used when bills that concern several standing committees come up. But occasionally the select committee is preferred—when, in any case, it is formed in accordance with the same principles that govern the formation of standing committees. In addition, there are also two General Purposes Committees, one for each Chamber, which deal in particular with private members' motions calling upon the government to initiate legislation or to appoint a commission of enquiry into some question. In the main, however, the standing committees are easily the most important of the preparatory bodies working on Parliament's behalf.

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[1] The best introductory account in English of the Swedish parliamentary system is Ben A. Arneson's *The Democratic Monarchies of Scandinavia* (2nd ed.; New York, 1949). On the committee system, H. Tingsten's *Utskottsväsendet* (Stockholm, 1934), Vol. XI of the "Sveriges Riksdag" series which commemorates the Swedish Parliament's quincentenary, is an excellent and authoritative work, but is out of date in certain respects.

[2] This nomenclature differs slightly from that used by Arneson. I prefer "Appropriations" to "Finance," since several committees have financial functions. I have used "Basic Laws" rather than "Constitutional Amendments," since I think the latter suggests too narrow a concept to cover the various different aspects of the committee's work as a "watchdog" of the constitution. The really difficult ones to translate are the three "lagutskott": it seems impossible to avoid ambiguity. "Legislative Committees" on the whole I prefer to "Committees on Judicial Matters," since No. 2 can only be given the latter title by a stretch.

[3] Robert Malmgren, *Särskilda utskott* (Lund, 1908).

All bills go straight to committee after first reading, usually without debate. When debate does occur, as in the case of the budget, it is followed, without decision in the Chambers, by a reference of the bill to its appropriate committee. The initial debate on the first reading of the budget, as one might expect, merely furnishes an opportunity to criticize the government's general policy. "First reading," indeed, is a slightly misleading phrase, since what emerges from committee to form the basis of the discussion on the floor of the Chambers is not the bill but the committee report—and there may be a very considerable difference between the two. The committees, in other words, are given a free hand to amend all bills sent them. What they may not do, however, is to postpone discussion of incoming business *sine die;* they are constitutionally obliged to report on everything which they receive.

The committees are designed to act as research agencies, subjecting all legislation which falls within their terms of reference to a thorough analysis. Furthermore, they are research agencies armed with wide powers to put the conclusions which they reach into effect. Three of them—the Banking, Ways and Means and Basic Laws Committees—have the right to initiate measures on their own account within a limited sector of their respective spheres of activity. The Basic Laws Committee, for example, may propose constitutional amendments.

Clearly, then, the committees must be as specialised and expert as possible to fulfil efficiently the role which they are intended to play. How is this achieved?

In the first place, each committee works within strict terms of reference, getting the same class of bills to handle year after year. Its members are, it is true, only elected for one year terms, but re-election is the rule. The length of time served up to 1950 by the full members of the various committees in that year worked out on the average as follows:

Basic Laws	13.75 years (longest single term 34 years)
Banking	8.2 years (longest single term 18 years)
Ways and Means	14.3 years (longest single term 31 years)
Legislative No. 1	9.6 years (longest single term 26 years)
Legislative No. 2	12.2 years (longest single term 26 years)
Legislative No. 3	(founded 1950)
Agriculture	9 years (longest single term 24 years)
Foreign Affairs	(founded 1937: 7 of the 16 full members had served continuously since then)
Appropriations	10.4 years (longest single term 31 years)

Secondly, when M.P.s are chosen for committee work, there is a marked tendency for those who have specialised knowledge which would be of use to a particular committee to be elected to that committee. Party considerations, it is true, modify somewhat the operation of this practice, since each committee mirrors as faithfully as possible party strengths in the Chambers. The tendency is especially noticeable in the case of lawyers and solicitors and others with legal experience, who are extremely rare in the Swedish Parliament[4] and who are in great demand on Legislative Committees Nos. 1 and 3. Legislative Committee No. 3 provides a good example of the recruitment of specialists. Founded last year, it contains sixteen members, no fewer than thirteen of whom had served previously either on one of the two other Legislative Committees or else on the Agriculture Committee. When it is remembered that the new committee handles mostly bills concerning fixed property rights, along with legislation of a non-financial character affecting agriculture, the choice of members appears entirely logical.

Thirdly, the two major financial committees (Ways and Means and Appropriations) resort to permanent internal subspecialisation by working in regular divisions. Each division deals with a specific class of subjects, and its members are persistently re-elected. For example, the Ways and Means Committee consists of twenty members, and works largely in two divisions with ten men apiece. The first division handles customs and stamp duties and indirect taxation, the second direct taxation and certain other questions. All really important or highly controversial bills go directly to the full committee in plenary session; otherwise, the divisions report out to the full committee, where acceptance of the report is the rule for obvious enough reasons.

Fourthly, every committee has a number of deputy members, who are officially[5] supposed to take the place of a full member only in certain clearly prescribed circumstances, such as the latter's death or retirement. In practice, however, it is quite usual for a member and a deputy member from the same party to arrange matters informally at the beginning of a session so that each handles the measures in which he is particularly interested or expert.

But the most interesting and unusual device by which the committees seek to command as much specialized knowledge as possible is the recruitment of a secretariat from the higher levels of the civil service and the judiciary. Each committee has its own secretariat, and the personnel are drawn in large measure from a sector of the administration or judiciary which handles the same kind of topics as the committee. Evidently this practice requires some examination, for it suggests at first sight that the stringent constitutional prohibitions on interference by the committees in the administrative machine are likely to be violated in practice.

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[4] In 1950 there were only three *advokater* in the Second Chamber and one in the First. But a half-dozen or more additional members were also legally trained in some capacity or other. Thus, we find that the chairman of the 3rd Legislative Committee was a Professor of Law at Uppsala University, while the chairman of the 1st Legislative Committee had served as a judge in the Courts of Appeal. *Vem är vem, Almanack för alla, 1950, Statskalendern, 1950,* and a small pamphlet entitled *Riksdagens ledamöter* are the sources for this information.

[5] Riksdagsordningen, Arts. 36(2), 50(2).

Such, however, is not the case. Although the secretary of each committee is appointed by the committee, and then (in consultation with the committee) himself fills vacancies on the secretarial staff, secretarial posts are not filled in an atmosphere of acrid rivalry between the committees and the government. The wishes of the official concerned may, indeed, be decisive in the matter, but the last word always rests with the government. Members of a committee secretariat are, in fact, occasionally requested by the government for administrative duties, and then the committee concerned has no option but to release them. All these appointments and removals, however, are arranged in a remarkably amicable and cooperative spirit by the authorities concerned.

The primary duty of a civil servant attached to a committee secretariat is to assist his committee in a dispassionate and impartial manner—in precisely the same way, that is, as he is expected to assist the government when acting in a civil service capacity. Judging from the fact that one never hears a word from either side against civil service loyalty in Sweden, a high degree of impartiality is obtained. The phenomenon is not, in fact, so puzzling when one considers just what the duties of a civil servant on a committee secretariat comprise. He is expected to provide the committee with background information that is likely to help it reach an intelligent decision. He must also draft the final report which the committee issues at the end of its labours on a bill. The draft has to be worked out (in cooperation with the committee's chairman, as a rule) on the basis of previous discussion in committee, and then it is submitted for approval at the final committee meeting. These are the most important functions of the higher secretariat officials, and they are of a distinctly non-political nature.[6] The function of the senior secretariat officials is, when one comes to think of it, not different in kind from that of the American Legislative Reference Bureau officials, who may be loaned to congressional committees for a special purpose and for limited periods of time. In neither case does one expect the advice or information to be delivered in a partisan manner.

Swedish committees, then, aim to command the maximum amount of specialised knowledge possible in order to be able to deal efficiently with incoming legislation. But Sweden is a unitary state with a parliamentary system and no separation of powers (not, that is, in the strict sense). Under such a system, does not the committee system menace the authority of the government? Do not the committees set themselves up as rival powers in what one thinks of as the traditional French manner?

In periods of majority government such as the present, the answer is in the negative. Nevertheless, all members of the government are excluded by the constitution from election to a committee and from attendance at committee meetings (which are always held in camera). This exclusion, on the face of it, seems somewhat illogical in a parliamentary system; and certainly it is an inheritance from the pre-parlimentary era, when the dualism of Parliament and the government was accepted as a natural and desirable part of the scheme of things. Much of the spirit of this earlier period still survives, and it would be unwise to ignore its influence upon the actual working of the Swedish constitution today. It would be equally unwise to condemn it out of hand as anachronistic. It certainly helps to moderate the heat of party warfare, which in Sweden is nowhere less marked than in a parliamentary committee. The members of that committee may be drawn from different parties; but they have sat together at the same table for years, and they tend to regard themselves as M.P.s acting on behalf of Parliament, bound to examine the measures that come in as impartially as possible. Per-Albin Hansson, the late Prime Minister of Sweden and assuredly one of her greatest political leaders, once said, "The Swedish Parliament has always reserved, and indeed exercised, the right to examine the government's bills freely and objectively. No change in this practice is either to be expected or desired."[7]

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[6] This does not mean that the secretariat never influences the decision which its committee reaches. As one Swedish observer has put it, "As the competence of the M.P.s declines, so the importance of the secretariat increases" (Junius [Professor Eli Heckscher], "Hur Sverige Regeras," *Svensk Tidskrift* [1923], p. 93).

Obviously it would be misleading to overstress the point made by Hansson. If his statement were taken as the literal truth, it would imply the end of all parliamentarism based upon party loyalities. *Some* measures are still controversial, even when all allowance has been made for the general peaceableness of Swedish party politics and for the extraordinarily mild Swedish political climate. When such measures arise, then party conclaves in advance of committee meetings decide the line of policy to be followed by party members in committee, and disobedience is perilous.

Nevertheless, the great majority of the bills coming to the Swedish committees are non-controversial politically and can be examined objectively. This situation is partly explained by historical accident; the Swedish legal codes, for example, are in fact a part of statute law and any alterations require parliamentary sanction. It is also partly due to the mildness of party rivalries in Sweden, a phenomenon which may be attributed to the influence of past political practice and ultimately to the extraordinary homogeneity of the Swedish people. Over ninety-nine per cent of the population belongs, at least formally, to the Lutheran Church, and national minorities are virtually non-existent. Finally, the differences which undoubtedly do exist between the various Swedish parties on the subject of the regulation of the national economy are not particularly acute. The only irreconcilables are the handful of Communists, who are not even numerous enough to be able to muster a single seat on a single committee. All the other parties are markedly empirical in their outlook, and all accept the premise that national efficiency nowadays inevitably demands at least some state regulation of the national economy. It was not the Social

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[7] Per-Albin Hansson, *Svensk Hållning och Handling* (Stockholm, 1945), p. 57. (Speech of January 10, 1940.)

Democrats who introduced the state tobacco and spirit monopolies; it was the so-called "middle-class parties." The People's Party (Liberals) of the present day is ready to accept the nationalisation of any given industry if the circumstances appear to demand it,[8] although the Social Democrats, who have been in power ever since 1932, have shelved the question of nationalisation. In fact, political debate in present-day Sweden is largely concerned with problems of taxation and foreign policy—and more especially with taxation, since most Swedes are agreed on the major lines of foreign policy.

To summarise, the Swedish parliamentary joint standing committees are highly specialised bodies that play an important and useful role in the legislative process; nevertheless, they constitute no serious challenge to executive authority during periods of majority government.

II. THE ROLE OF THE COMMITTEES AS MEDIATORS BETWEEN THE CHAMBERS

The committees were designed to mediate between the component parts of the legislature when the constitution was first drawn up in 1809. At that time Parliament consisted of four Estates on the medieval pattern; and the conflicting interests of nobility, clergy, merchants and farmer-peasants were hardly to be reconciled unless some external impulse or encouragement to cooperate were forthcoming. The way in which the committees were constituted in order to integrate this ramshackle, antiquated and cumbrous machinery was interesting. They were made into microcosms of Parliament as a whole, containing an equal number of representatives from each Estate.

In 1866, the Estates were replaced by the present bicameral system; but the essential features of the old period passed over into the new, and are still unchanged today. The Chambers are to be "of equal power and authority."[9] The consent of both of them is necessary for the passage of constitutional amendments and, broadly speaking, of ordinary non-financial legislation. The committees are composed of an equal number of members from each Chamber, elected by proportional representation so as to mirror as faithfully as possible the relative strengths of parties in that chamber.

The possibilities of a deadlock between the two Chambers are not so great as they once were, since the First Chamber (the "Upper" House) has undergone successive waves of democratisation as the price for keeping its equality. No longer is it the preserve of the aristocrat, the wealthy landowner and the prosperous business man, as it was in the years after its inception. No longer is it likely automatically to be opposed to the Lower House on such economic questions as protection, as it was at the turn of the century. At the present day, indeed, it differs from the Lower House only in being indirectly elected (by provincial and city councils); in the terms of its members (eight years as compared with four); in residence qualifications for elections (M.P.s need not, as in the Lower House, reside in the constituencies from which they are elected);

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[8] Bertil Ohlin, the leader of the Liberal party (Folkpartiet), published an interesting article on party policy in *Samtid och Framtid*, pp. 326–335 (June–Aug., 1945).

[9] Regeringsform, Art. 49; Riksdagsordning, Art. 1.

and in age qualifications (at least thirty-five, as against at least twenty-three, years of age—though a constitutional amendment now pending aims to destroy even this difference). Inter-cameral deadlock is not, then, likely to be acute or frequent by virtue of the nature and composition of the Chambers themselves.

There is, moreover, a certain class of bills which must at all costs reach the statute-book, and which must therefore circumvent the possible veto of one or the other Chamber without appearing to infringe the principle of cameral equality. They are finance bills, which are subjected to "joint voting" if the Chambers cannot reach agreement on them when first considered. The phrase is mildly paradoxical, since the Chambers do not in fact meet to vote. They vote separately, and all the "Ayes" are then added together and weighed against all the "Noes" for Parliament as a whole. A simple majority carries the day. As the First Chamber has 80 fewer members than the Second—150 as compared with 230—one might expect it to suffer a steady series of defeats in these joint votes. In point of fact, it is nearly as successful as the Lower House in making its wishes law.[10]

The committees in practice, although not in theory, do not try to harmonise divergent cameral decisions when joint voting is, in the nature of the case, scheduled to follow. Nor do they bother if the decision taken by the one Chamber flatly contradicts in principle that taken by the other. Divergences can be closed; contradictions cannot be reconciled.

But when it is appropriate for committees to mediate, they are highly successful—in nine cases out of ten, on the average. If the Chambers disagree, and do not disagree irreconcilably, then it is the duty of the committee which has been handling the bill to present to both Chambers proposals for reaching a positive solution. Most often, the committee suggests a compromise proper, i.e., tries to coax each Chamber to recede from its more advanced positions in the direction of the other Chamber's views. Sometimes, though, such mid-way positions are fraught with various technical and administrative difficulties; or else one Chamber may be in possession of information not available to the other at the time of decision. In such circumstances, the committee may well urge one of the Chambers to accept the other's decision and abandon its own. Yet again, the committee may conclude that the best hope of reaching agreement is to excise the points of difference and present only the common ground for the final decision.

The Basic Laws Committee plays a special role in cases of specific types of disagreement between the two houses in Sweden. The Chambers are synchronised when dealing with legislation—that is to say, they deal with it *simultaneously*, not successively. A private member's bill is raised in one Chamber, sent to committee, and reported out simultaneously to *both* Chambers for simultaneous debate. A government bill is sent to both Chambers at once on being submitted to Parliament. Each Chamber then has to decide separately to which committee it should send the bill, having regard to its subject matter and to the terms of reference laid down in the constitution for the various committees. Normally, decision is easy; but borderline cases do occur in which the Chambers might very well reach conflicting results as to the appropriate committee for the bill. In these cases, the Basic Laws Committee has the right and the duty to make the final decision, and thereby, in effect, to set a precedent.

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[10] For an excellent account of the workings of joint voting in practice, see Thulin, *Sammanjämkning och gemensam votering* (Stockholm, 1935), Vol. X of "Sveriges Riksdag."

Again, a committee is obliged to send any bill back to *both* Chambers within eight days if the committee thinks the bill does not fall within its terms of reference.[11] Here again, it is possible for the Chambers to disagree about the proper committee for the measure in question and hence necessary for the Basic Laws Committee to act as the arbiter.

III. THE COMMITTEES AS QUASI-GOVERNMENTAL BODIES DURING PERIODS OF MINORITY GOVERNMENT[12]

Parliamentarism finally "broke through" in Sweden in 1921, and the change was accompanied by a protracted period of party splinterings and minority governments. This period lasted from 1920 to 1933, when the Social Democrats, emerging slowly as the dominant party, allied themselves informally with the Agrarian Party and at last stabilised the situation. By 1933, indeed, there was widespread dissatisfaction with minority government,[13] which resulted in parliamentary intriguing and ever-shifting alignments.

The dominant figure on the political scene during the years between 1920–1932 was Ekman, the leader of the "dry" branch of the Liberal Party. By a skilful series of *ad hoc* alliances between his tiny band of camp-followers and, at different times, those both to the right and to the left, he was able to keep at the centre of gravity of the political situation. Between 1926 and 1928, he actually held office with only 33 supporters in the Lower House (out of the 230 members, it will be recalled) and 34 in the Upper House (out of 150 members).[14] In 1930, he came back to power with only 28 followers in the Lower House and 24 in the Upper House.

Nevertheless, his influence was greatest when he was in opposition and chairman of the important Appropriations Committee. He himself is the best spokesman for his policy: "Both [Social Democratic leader] Herr Branting's and [Rightist leader] Herr Trygger's friends are in the habit of accusing me of too unscrupulously trying to oust those in office from power whenever I consider that questions haven't been dealt with in the right way. It's quite possible, if God spares my health, that I might again have cause to put my thumb down [like the Roman emperors at gladiatorial combats, presumably] whenever . . . it seems in the national interest that there should be a change of government."[15]

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[11] Reglementariska Föreskrifter för Riksdagen, Art. 7.

[12] Political journals such as *Svensk Tidskrift* (Right) and *Tiden* (Social Democrat) contain useful information on this subject. Gunnar Gerdner's *Det svenska regeringsproblemet, 1917–1920* (Uppsala, 1946) helps to explain the period when democracy finally broke through in Sweden, while Otto von Zweigbergk, in *Svensk politik, 1905–1929* (Stockholm, 1929), furnishes some interesting information on the entire decade following 1921.

[13] Olle Nyman, *Svensk parlamentarism, 1932–36. Från minoritetsparlamentarismen till majoritetskoalition* (Uppsala, 1947), and Nyman, *Krisuppgörelsen mellan socialdemokraterna och bondeförbundet 1933* (Uppsala, 1944), are useful on this transitional period between minority and majority government in Sweden.

[14] H. Tingsten, *Problem i svensk demokrati* (Tidens Skriftserie 2, 1941) contains figures for the parliamentary strengths of all Swedish Governments, 1920–1936.

Numerous examples of the defeat, or wholesale amendment, of government legislation in committee which did not bring about the resignation of the government, can be culled from the newspapers and periodicals of the period. In 1922, for example, the Basic Laws Committee (which was in charge of treaties as the parliamentary preparatory committee on politically important questions of foreign policy) rejected the Branting government's projected trade treaty with Russia. However, the government staggered on until the following year, and finally resigned after a defeat in the Upper Chamber on its unemployment policy.

It was during this period that the traditional dualism between Parliament and the government, dating from 1809 and owing much to the fact that before then Sweden had experienced spells of both royal and parliamentary tyranny, revealed itself most clearly. An excellent indication of the strength of that dualism at any given time is the way in which the Basic Laws Committee exercises the powers granted it under the constitution[16] to review and criticise Cabinet minutes.

This curious device is worth a moment's pause. Theoretically, ministers in Sweden are the advisors of the Crown, but they are individually responsible to the Chambers for their personal advice. A Cabinet meeting always takes place in the presence of the monarch, and the ministers' "advice" is put into "minutes," along with their "speeches." In point of fact, the minutes reveal to the interested eye that anything up to one thousand items of business may be handled in as short a space as half an hour, while the "speeches" which give the reasons for the decision run to an inordinate length. Clearly there is something odd about the minutes *and* the meeting; and one is not surprised to find that the real decisions are taken in advance of the "Cabinet" meeting at a more informal gathering of the ministry.

It is, however, upon the formal minutes that the Basic Laws Committee bases its investigations into the deeds and misdeeds of the ministry, though, when and if it comes across anything it considers suspect, it may insist upon the submission of relevant evidence. In times of majority government, such as the present, the annual debate in which the Basic Laws Committee formally "absolves" the government and its individual members from any stain of misdeeds for the past year becomes more or less a quaint formality. In periods of minority government, however, the Basic Laws Committee discovers abundant faults in governmental behaviour. Indeed, in 1929 it forced the Minister of Finance out of office as a result of its criticisms, while earlier in the decade it caused the removal of a Social Democratic Foreign Minister. There have been no similar occurrences in subsequent years, though there were one or two fairly close escapes for individual ministers in the 1930's.

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[15] First Chamber debate of May 23, 1925.

[16] Regeringsform, Arts. 106 and 107.

In sum, during periods of minority government the committees undertake to formulate the broad lines of policy, often compelling acceptance by the government. If we may judge by experience in the 1920's, such committee activity at least ensures that some legislation is forthcoming in periods of party chaos.

BRITISH BY-ELECTIONS, 1950

RICHARD M. SCAMMON

Department of State

Since the hard-fought general election of February 23, 1950, the narrow margin of Labor's control of the British House of Commons[1] has been tested at the polls on ten occasions. This number of by-elections to fill vacancies in the membership of the House is a normal post-World War II figure (the previous House saw fifty-two replacements in its four and one-half years of life), although it is somewhat under that of prewar averages.[2] In terms of locale, however, these ten by-elections were atypical. Though the overall distribution within the various parts of the United Kingdom was not unrepresentative (six in England, one in Wales, actually Monmouthshire, two in Scotland, and one in Northern Ireland), all vacancies chanced to come in urban areas. Eight of the contests involved borough seats and the other two (West Dunbartonshire and Abertillery, Monmouthshire) were primarily urban in character.

Given the urban character of the by-election constituencies, one is not surprised that in the voting in February, 1950, six Labor Members of Parliament, were elected, along with three Conservatives and an Ulster Unionist (in West Belfast). The results of the ten by-elections followed a simple pattern: there was no change in party distribution of parliamentary seats and no marked shift in the constituency voting patterns shown in the February general election. Each of the ten seats was held by the party which had won it in February, with Labor maintaining its phenomenal record of not losing in a by-election any seat won in the general elections of 1945 and 1950.[3]

Five of the by-elections were caused by the death of the incumbent; one by appointment of the M.P. to a High Court judgeship; another by the ill-health and resignation of the Chancellor of the Exchequer, Sir Stafford Cripps; one by the resignation of the incumbent at Neepsend (Sheffield) to permit the election to the House of the Solicitor-General, Sir Frank Soskice, who had been defeated in the general election; and one by the succession to the peerage (as Viscount Hailsham) of a leading Conservative, Mr. Quintin Hogg. This last vacancy, incidentally, focused attention again on the unfortunate position of heirs to seats in the House of Lords, who must see their political careers in the more influential lower chamber cut short by an untimely and automatic elevation to the upper House, where their political usefulness is limited. The tenth election, in West Belfast, was the result of a special declaration of the House that the representation of that constituency was vacated because the Ulster Unionist incumbent, Mr. J. G. MacManaway, was a clergyman of the Church of Ireland.

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[1] Of 625 members elected in February, 1950, Laborites numbered 315, Conservatives 298, and Liberals 9. Also elected were two Irish Nationalists (who have not taken their seats) and the Speaker, who stood as a non-partisan.

[2] See J. K. Pollock, "British By-elections Between the Wars," in this REVIEW, Vol. 35, pp. 519–528 (June, 1941). Professor Pollock reported an average of sixteen or seventeen by-elections annually for the period 1919–1939.

[3] Mr. MacDonald's second Labor government, formed after the May, 1929, election, lost its first seat to the Conservatives a year later; his National government, which won an overwhelming victory in October, 1931, lost its first seat in Commons in April of the following year. It was only four months after its November, 1935, victory that the re-elected National government lost its first seat in the House.

With the exception of the MacManaway case, the circumstances under which these ten by-elections arose were normal and generally followed the pattern outlined by Professor Pollock for the 1919–1939 period.[4] In popular participation the 1950 results fitted into the average for that twenty-year span; all the by-election vote totals were under those for the same seats in the general election, and the overall total vote for the ten contests was 13 per cent below that in the general election (the same figure as that for 1919–1939 by-elections in relation to the general elections). As might have been anticipated, the three constituencies in which participation was closest to that of the February general election were those in which the contest was the tightest and the margin of the winner the narrowest.

TABLE I

Vote for Party Candidates at 1950 General and By-elections, United Kingdom Excluding Northern Ireland

Candidates	Feb., 1950 General Election	1950 By-elections
Nine Labor candidates	222,341 (54.8%)	180,629 (53.9%)
Nine Conservative candidates	157,501 (38.8%)	149,665 (44.7%)
Liberal candidates (five at GE, one at 1950 by-elections)	22,476 (5.5%)	2,752 (.8%)
All other candidates (five at GE, three at 1950 by-elections)	3,631 (.9%)	1,862 (.6%)
Totals for nine seats	405,949	334,908
Totals including West Belfast seat	571,887	497,587

The Conservative total includes the candidate at Neepsend, classified as "Conservative and Liberal," and at Brighouse and Spenborough, classified as "National Liberal with Conservative support."

The overall shift in votes in the 1950 by-elections was amazingly small. Disregarding the West Belfast contest, fought on the special racial and religious issues of Northern Ireland, the totals for the nine seats in England,

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[4] Pollock, *loc. cit.;* of 352 by-elections, 173 were caused by death, 67 by resignation, 56 by elevation or succession to the peerage, and 56 by appointment to some other office.

TABLE II

Comparative Polling Percentages, 1950 By-elections

Class A. Constituencies not contested by a Liberal candidate at either the General Election or the By-election:

		Labor	*Conservative*	*Communist*
Neepsend (April)	General	73.5	26.5	—
	By-election	70.8	26.8	2.4
Dunbartonshire West (April)	General	49.3	47.8	2.9
	By-election	50.3	49.7	—
Brighouse and Spenborough (May)	General	52.2	47.8	—
	By-election	50.5	49.5	—
Abertillery (November)	General	87.1	12.9	—
	By-election	86.5	13.5	—

Class B. Constituencies in which a Liberal candidate stood at the General Election but not at the By-election:

		Labor	*Conservative*	*Liberal*	*Others*	
Leicester North-East (September)	General	56.5	33.3	9.5	.7	Communist
	By-election	57.9	42.1	—	—	
Scotstoun (October)	General	46.0	46.5	4.9	2.6	Communist
	By-election	47.1	50.9	—	2.0	ILP
Oxford (November)	General	40.7	46.9	11.6	.8	Communist
	By-election	42.5	57.5	—	—	
Handsworth (November)	General	39.2	50.5	10.3	—	
	By-election	38.1	60.7	—	1.2	Independent

Class C. Constituency contested by a Liberal candidate at both the General Election and the By-election:

		Labor	*Conservative*	*Liberal*	*Communist*
Bristol South-East (November)	General	62.6	26.8	9.5	1.1
	By-election	56.7	35.2	8.1	—

Class D. Constituency in Northern Ireland:

		Ulster Unionist	*Irish Labor*	*Sinn Fein*
Belfast West (November)	General	51.4	46.3	2.3
	By-election	50.7	49.3	—

In the figures above, the Conservative total for constituencies in England, Scotland, and Wales includes votes given to candidates standing with peripheral classifications as well. The percentages for the Irish Labor candidate in West Belfast should not be confused with votes for the Labor party of Great Britain. The Irish Labor organization is an anti-partition, nationalist group affiliated with the Labor party of the Republic of Ireland, rather than with that of the United Kingdom.

Scotland, and Wales show only an insignificant turn away from the government. What is immediately evident from a study of the totals of Table I and the constituency-by-constituency percentage figures of Table II is that the Liberal vote, in those districts where Liberals stood in February but not at the by-election, went largely to the Conservatives. At South-East Bristol, the only seat for which a Liberal stood at *both* elections, the Conservatives also gained substantially; but this gain was probably due to the prestige in the general election of Chancellor of the Exchequer Sir Stafford Cripps, who had served the constituency as M.P. for some twenty years.

Of all the by-elections, only South-East Bristol showed any variation from the norm. Change in the others was measured in one or two percentage points, representing hundreds rather than thousands of votes. Even in Northern Ireland, as in the constituencies in England, Scotland, and Wales, the change was small; in West Belfast a split vote of the general election on the Catholic, Nationalist side was unified, but the anti-partitionist rise was only from 48.6 to 49.3 per cent of the total.

Taken together, these by-elections of 1950 further emphasize the lesson of the February general election—that the struggle for political power in Britain today is a struggle between Conservative and Labor, between Tory and Socialist. Though in two districts the Opposition nominee ran under some special designation, the position of the anti-Labor organization was Conservative; and efforts to form genuine, free coalitions of Liberal and Conservative voters behind a single nominee were not effective. Minor party candidates were entirely unsuccessful in these by-elections; all lost their deposits and the most successful, a Communist at Neepsend, polled only 729 votes.

Since the group of constituencies voting in these ten 1950 by-elections was substantially oriented more toward the Government than was the country at large in the February general election,[5] it is obvious that the lead of the nine Labor candidates in the by-elections held outside Northern Ireland is no portent of Labor victory should a general election be held soon. If we assume that these elections can provide valid clues to future voting trends,[6] allowance must first be made for the atypical character of urban and Labor-oriented districts. When this has been done, certain conclusions may be drawn from the vote of the electorate in the constituencies. Though no firm prediction of future Conservative victory could be made from the figures available, it is clear that the present Opposition could expect gains were an election to be held in the near future. Just as the by-elections preceding the 1929, 1931, 1935, 1945, and 1950 general elections showed gains for the "outs" which were reflected in the subsequent voting for the complete House of Commons, so the record of 1950 presages Conservative gains in the next general voting.

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[5] The vote percentages in February, 1950, were 46.1 Labor, 43.5 Conservative (including associated parties), 9.1 Liberal, and 1.3 Independent and Miscellaneous. Not only were the ten constituencies voting in the by-elections thus marked by a somewhat higher Labor and lower Conservative figure than for the country as a whole, but also the Liberal poll was much lower in these ten districts in February than in the United Kingdom as a whole.

[6] For a contrary view, see Lionel H. Laing, "Fifty British By-Elections," in the *Canadian Journal of Economics and Political Science*, Vol. 16, pp. 222–227 (May, 1950).

In the complexities of a single-member district, "winner-take-all" electoral system, it is possible that such gains might not produce a change of government. However, the present margin of the Labor ministry is so slight that only a very small turnover would be required to put a Conservative administration into power. In considering his party's present position, Mr. Attlee must consequently weigh carefully the likelihood that any new general election could not improve, and might well harm, his position in the House of Commons; the record of the ten 1950 British by-elections thus may well be decisive in determining whether or not the United Kingdom will hold another general election in 1951.

NOTES AND MEMORANDA

PREPARATION OF CASE STUDIES: THE PROBLEM OF ABUNDANCE

HAROLD STEIN

Committee on Public Administration Cases

This paper is a descriptive account of the principal problems encountered and solutions adopted by the Committee on Public Administration Cases in preparing its case studies,[1] and more specifically of those problems and solutions that have arisen from the abundance of materials available to the CPAC in the course of its work. No attempt is made to assess the value of the CPAC cases, nor, for that matter, the validity of the method. The article is thus not a justification but a description of the methodology of CPAC case preparation, with some incidental account of the CPAC's reasons for adopting particular techniques.

The analysis focuses upon "the problem of abundance." Characteristically both writers and editors of the CPAC cases have struggled with the difficulty of adapting and selecting from a large mass of material what would become, as end product, a detailed case study, but one of manageable proportions. Obviously the task of adaptation, i.e., of drafting a study from documents and interviews, is generic and not, as such, a result of the abundance problem; but an abundance of materials affects the task of adaptation and has colored the work of the CPAC throughout. In this account no attempt has been made to isolate with any precision the difficulties that can be attributed directly to the abundance of materials, but the necessity for selection and compression has been taken as the point of departure in describing various specific problems and solutions.

* * *

I. THE DEFINITION OF "PUBLIC ADMINISTRATION CASE STUDIES"

The act of defining is an act of exclusion. The definition adopted by the CPAC for the term "public administration case studies" has delimited both the area for investigation and the method of penetrating that area. By definition, therefore, as the phrase goes, the CPAC excludes from its purview certain areas, as well as materials usable in other kinds of research within the defined area.

A. *Definition of "Public Administration."* The first act of definition applies to the term "public administration." The area selected for investigation by the CPAC is approximately the area conventionally denoted by "public administration," as the phrase is used within, and applied to, the United States; it is the area roughly coterminous with the executive branches of the federal, state and local governments in the United States. (An experiment in the application of the CPAC technique to international organizations is now in process.)

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[1] The CPAC was sponsored originally by the interested graduate schools at Cornell, Harvard, Princeton and Syracuse Universities and is financed by a grant from the Carnegie Corporation of New York; its Policy Committee consists of representatives of the sponsors and other universities, while its Staff Director is the author of this article. The case studies have been published individually as they were completed, and most of those issued to date will be included in a casebook scheduled for publication January 1, 1952. The objective of the CPAC has been the development of case studies that would be useful in teaching public administration, as well as in research and in administration itself.

The edge of the area selected is not, of course, a sharp, clear line. In some of the case studies the action is pursued into the legislative sphere, although not as a central feature; and in a few instances the decisions of judges and the actions of persons in business and other non-governmental institutions are consequential, although not of major interest. In studies dealing with local governments (most of the CPAC studies have dealt with the national government), where the formal separation of powers has been subjected to overt modification or abandonment, the area for inquiry lacks precise delimitation; and the spheres of the executive and legislative branches in international organizations are even more amorphous.

In any event, regardless of fringe cases, enormous areas of administrative activity are clearly excluded. These excluded areas contain all problems of administration in other countries, all problems of administration centering in non-governmental institutions in the United States, and the making of all primary decisions in courts and legislatures.

The area left for investigation remains large—indeed it is, as has been said, about what we mean by our conventional use of the phrase "public administration," an area of action in the United States of great magnitude.

B. *Definition of "Case Study."* The second major act of exclusion arises from the rather special meaning given to the terms "case" and "case study"—i.e., the definition of the general technique.

A CPAC case study is a detailed narrative of the events that constitute a decision or group of related decisions by an administrator or administrative group, together with some description of the social, economic, legal, political, personal and other factors that surrounded, or were in a position to affect, the administrator or administrative group during the process of arriving at the decision.[2]

The relevant materials for this method are the obvious ones used by any historian dealing with contemporary history: government files, official documents, biographies and autobiographies, records of Congressional hearings, interviews with participants, newspapers, etc. In general, the materials on the "surrounding factors" are only those that appear in the files or in other contemporary sources (plus, of course, for personal factors, *Who's Who*, departmental biographies and the like). Secondary sources have been used only in a few cases, and then either as a check upon other sources or for development of the general historical background.

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[2] For those unfamiliar with the CPAC cases, it may be useful to note that the concept of a "detailed" case study of a fairly significant and complex issue has resulted in cases running, for the most part, from 75 to 150 pages. The cases contain far more detail than the *Case Reports* of the SSRC Committee on Public Administration, but generally rather less detail than the Harvard Business School cases, such as those included in John D. Glover and Ralph M. Hower's *The Administrator* (Chicago, 1949), though the Business School cases dealing with rather narrow issues are generally shorter than the CPAC cases.

The quantity of the materials of contemporary history, published, unpublished, and oral, is, as will be seen, tremendous; but the case study technique as defined excludes a great mass of material of actual or potential availability usable by other methods. A few of these may be noted merely by way of illustration.

Analytic surveys, for example, may tap a series of sources which might individually be usable in some fashion by a case study but which, examined collectively, cover a far wider range on a given topic than any case study can touch. An obvious example is MacMahon and Millett's *Federal Administrators*. Another revealing comparative study might be written, to take a random example, on government guilds, including perhaps the Forest Service, the Public Health Service and the Foreign Service. A single case study would ordinarily deal with only one of these, and only in terms of a single decision or group of connected decisions.

The application of statistical techniques to administrative decisions also is not only practical but essential for a variety of problems. Efficiency ratings, or comparable formalized judgment techniques, are decisions; in the United States alone, there are literally millions of such decisions every year. A minute percentage of these decisions might yield fruitful results under processes of individual examination, as in a case study; but the vast majority can be studied only through statistical techniques. The same considerations hold true for the bulk of all licensing procedures, as well as for other types of mass administrative action, though it may be noted by way of contrast that the certification procedure of the Civil Aeronautics Board, for example, involving as it does a comparatively small number of highly complex decisions, probably is better adapted to some type of individual examination. (One of the CPAC case studies, *The Latin American Proceeding*, is an account of the making of a CAB decision.)

Another approach to the study of the defined area is afforded by psychological techniques. All the CPAC cases deal in some fashion with psychological factors, since they invite consideration of the behavior and motives of human beings, both as individuals and in a social setting. The psychological factors selected for treatment are those superficial or, at least, overt matters—obvious repeated behavior patterns, effects of business or professional connections, etc.—that administrators themselves customarily interpret and rely on more or less intuitively in the course of their daily work. But clearly the tools of the psychologist (intelligence, aptitude and other types of tests, depth interviews, etc.) permit the disclosure and examination of an enormous mass of data that lies outside the effective scope of the CPAC cases.

There is no need to enlarge the roster. Any issue of *Public Administration Review* or *American Political Science Review*—and many issues of the law and economics journals, the journals of sociology, psychology, anthropology and philosophy—will show a host of investigators studying public adminstration with a variety of tools that make use of quantities of data unusable in whole, or in any large measure, by case studies.

II. THE CHOICE OF SUBJECTS—GENERAL CONSIDERATIONS

Within the general area, and using the case study technique, in spite of all the exclusions that these definitions involve, there remains an incalculably large number of decisions that might form the subject of case studies. However, a tremendous reduction in the number of potential subjects comes about from two general factors, one essentially intractable and arising from the materials themselves, the other derived from a more precise delimitation of the word "decision" in the general definition of case studies.

A. *Unavailability of Materials.* Paradoxically enough, the problem of abundance is also on occasion accompanied by a problem of scarcity. At times the scarcity is, so to speak, deliberate. At one time, the CPAC considered the possibility of doing a case study on the government's disposal of the Geneva steel mill—a companion study, with a difference, to an existing CPAC study on *The Disposal of the Aluminum Plants;* but after a preliminary reconnaissance it appeared that no information was obtainable on the final crucial point in the process—how and why the Attorney General decided to approve the purchase of the mill by the U.S. Steel Corporation. The project was therefore abandoned, and a very considerable volume of relevant available material was necessarily rejected. There are many other subjects at least superficially suitable on other grounds, but not usable because interviews—or frank interviews—can not be had, or because all essential files are withheld. As an operating matter, the CPAC has naturally discarded *ab initio* subjects for which security or other clearance or access problems would obviously be insuperable. Fortunately, there have been only rare instances when case projects have had to be abandoned for this reason after a start had been made.

There is another and far more significant way in which unavailability of some materials excludes what is available. This is the fundamental process of historical fading. Its general effect has been to limit the CPAC to contemporary history, and in very large part to the events of the last five or ten years. Implicit, if not explicit, in the working definition of "case study" used by the CPAC is the development of a narrative containing a sufficient wealth of detail to give the reader a feeling of actual participation in the decisive process, a sense of vicarious government living. Since these studies are histories, not historical novels, the details must be obtainable from the written or the spoken word or both (or, on rare occasions, from the memory of the case writer himself). The feasible historical depth of a subject for a case study is determined by the availability, in varying proportions, of these types of material. Memories fade quickly, especially if the events are not of major interest; memories are also creative in any event and increasingly so, in geometric ratio, with the passage of time. Thus it is rarely possible to attempt a case study of events more than eight or ten years in the past unless the written documentation is extraordinarily full. Although there are some CPAC cases that go further back, in each such instance the written material has been unusually rich; in one, for example, transcripts of telephone conversations were available. However the fringe instances be treated, the technique is obviously generally inapplicable to non-contemporary materials. The centuries of the past are spared.

B. *Definition of "Decision."* The second basic factor of exclusion arises from the decision-definition to take as subjects for cases only those events or series of events that constitute decisions in a large and semi-formal sense. A decision is thus, for example, an action to sell (or not to sell) a plant, to discharge (or not to discharge) an employee, to rebut or duck an attack from a clientele group, and so forth. In a sense, and a very real and important sense, any government official, even a minor custodial employee, may do a hundred things a day that could be isolated as decisions. Furthermore, to a rather surprising extent, these almost-but-not-quite-automatic adjustments to the facts of institutional life are capturable and recordable. An admirable illustration of this conclusion is found in some of the case materials prepared under the auspices of the Harvard Graduate School of Business Administration—a notable example being the well-known *Marshall Company* cases. In the second of these, as the result of close and sympathetic observation of a group of men making semi-automatic decisions, reduced to writing with considerable artistry, the reader feels that he is actually watching a team of men working together on the first day of operation of a rebuilt Fourdrinier paper-making machine: the power is turned on or off, the speed is adjusted, the "first hand" moves from the front to the back end of the machine. Fifty or a hundred or more of the recorded actions could reasonably be described as decisions. However, these decisions rise but little above the level of consciousness; certainly they take little more into conscious account than the immediate physical and human environment. Decisions of this character have been excluded from the CPAC purview.[3]

III. THE CHOICE OF SUBJECTS—SPECIAL CONSIDERATIONS

A. *Policy Problems.* From the beginning, the CPAC has sought as subject matter policy problems of administrators, in rough contradistinction to problems of administrative technique. Anyone who has worked in the field will recognize the web of ambiguity inherent in the policy-technique or policy-administration distinction. As a rough guide, it may be said than none of the issues in the CPAC cases is set forth within a "management engineering" framework, and, alternatively, that the cases evoke questions in which novelty of issue (to the participants), breadth of impact, political intensity, and other common indicators of "policy" are present in varying degrees. Value considerations are at the forefront throughout. In other words, the problems of the administrator are considered in relation to personal and program objectives, and further in relation to the effects of action on the microcosmic society of the government or of a governmental agency, and on the macrocosmic society of the nation. In both respects, attitudes towards what constitutes the good society are relevant.

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[3] This exclusion was negative on the part of the CPAC in that the subjects sought by the CPAC were of another type. Perhaps any need of teachers of public administration for case materials of this character can be reasonably satisfied by the business cases, since there is some reason to believe that the special characteristics of *public* administration are of far less consequence in activity of this sort than in situations involving larger, more conscious and more formal decisions.

B. *Persistent and Recurring Governmental Problems.* The CPAC has deliberately concentrated on subjects that illustrate persistent and recurring, rather than unique or highly unusual, governmental problems. Characteristically, case subjects involve such questions as executive-legislative relations, centralization vs. autonomy, the role of government guilds, the treatment of pressure groups, etc., that are debated over and over again in the pages of the journals, in the Congress, and in government agencies at all levels.

C. *Normal Bevhavior.* The CPAC has similarly sought cases in which the behavior of the participants is felt to be normal rather than abnormal. None of the cases deals with peculation or perjury, nor with evident cruelty in human relations, nor with ambition or desire for publicity so great as to overwhelm all other considerations. No government is completely free from human excesses but, insofar as the judgments of the CPAC correctly reflect the values of our society, the actions described in the CPAC cases fall within the range of the normal in our civilization.

D. *Diversity in Subject Matter Categories.* The CPAC has sought diversity in subject matter categories, i.e., government level, agency, program, type of problem, relationships, etc. Presumably one could do a series of cases, for example, dealing with the formulation of the budget estimates of a particular bureau of a particular department in the federal government over a series of years. While recognizing the potential value of such a series, the CPAC has aimed this first program at extensive, rather than intensive, exploration of the multifarious aspects of public administration in the United States. There are a few CPAC cases that fall into fairly obvious pairs; but for the most part there has been a deliberate avoidance of such repetition.

E. *Concentration on High-Level and Interagency Conflict Cases.* A largely nondeliberate selectivity has resulted in heavy, although not exclusive, concentration on high-level interagency conflict cases.[4] There seems little doubt that this concentration has come in considerable part from the interests of those associated with the CPAC. In part, also, the selectivity arises from a conscious desire to avoid both trivial problems and serious problems handled in a trivial manner. The particular recurring element of conflict is also rather closely related to the technique. Conflicts tend to externalize, and therefore to make directly available to the case writer, opposing considerations and alternative courses in the form of action, rather than speculation. When a case writer deals with a conflict, he is not so heavily dependent on the *ex post facto* rationalizations of the administrator who made the decision, because in most conflict situations the opposing considerations are recorded. At least in our federal government, interagency conflicts tend to generate memoranda, both for the record and for intra-agency consumption. Such documents, especially the latter, are of special value in case writing.

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[4] The heavy concentration on high-level interagency conflict cases (if a parenthetical evaluative interjection may be permitted) has been a source of some dissatisfaction to the CPAC. The concentration will be diluted in the forthcoming CPAC casebook by the inclusion of a number of cases of rather different character prepared at Harvard University in 1945–46 under the supervision of Dr. Pendleton Herring.

IV. THE SELECTION OF MATERIALS IN CASE PRESENTATION

There is a tremendous variation in the amount of materials available for practical use in the various cases. As has been noted above, in some instances the lacunae force abandonment of a promising subject. At the other extreme, for some cases the documentation (including, of course, material derived from interviews) is so extensive that for all the major points of interest there is more material than can possibly be used directly. The most common situtation is a combination of some thin spots and overstuffing elsewhere.[5] Thus the problem of selection is always present.

In general, the techniques for handling the material are derived from the function of the cases, i.e., the pedagogical objectives of the CPAC. However, as in virtually all contemporary history, there are also questions of tact and libel; and—more specifically a problem of administrative history—of agency clearance. All these factors operate to affect the final drafting of cases: the result is indirect rather then direct statement, generalized allusion rather than specific reference, the omission of some incidents. Rather commonly, the necessity for clearance requires the use of summary or paraphrase in lieu of direct quotation. To date, these various considerations have not resulted in significant alteration in any case; but it begins to appear that clearance, agency and personal, may present more difficult and more frequent problems in state and local and international organization cases than it does in cases involving our national government. Our federal officials are accustomed to both investigation and publicity.

The factors just mentioned are relatively superficial ones in handling of generally abundant case materials; more significant ones are the following:

A. *Literary Form.* Emphasis has been placed on the use of literary or rhetorical techniques in the selection and presentation of materials. The ability to retain the reader's interest, for example, has been a significant criterion in choosing between full quotation and summary. The object in maintaining a concern for literary form (without, of course, using the novelist's privilege of inventing incident and character) has been to increase the degree of common vicarious experience among the readers. When the raw material of writing is the behavior of human beings in a complex personal and institutional environment, and when it is dealt with in terms that are not formalized abstraction, the effectiveness of communication is dependent on what can be crudely called literary quality—hence, the attempt to prepare cases with concern for style and manner. (To avoid misunderstanding, it should perhaps be added that the cases are not works of art, even though in varying degrees there is some art in their composition.)

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[5] A scrupulous effort has been made to avoid in any instance more positive statement than the evidence justifies in the eyes of author and editors, but no effort has been made to have the text reflect the innumerable variations in the degree of documentation behind each statement. The rationale for omitting footnotes and other types of scholarly apparatus from the case studies lies outside the scope of this paper.

B. *Narrative Development within Fixed Terminal Dates.* Related to the foregoing is the deliberate delimitation of a fixed period for the development of the narrative in each case. Events preceding the main action may be sketched in a preface, subsequent events in a postscript, but the full development is confined within a determined period of time, so that the reader is left with a sense of completed action. The focusing of the reader's attention on the limited period is designed to aid in preventing undue dispersal of his attention and undue dispersal of discussion in the classroom.

C. *Highlighting Selected Aspects of Administration.* Since these case studies are designed primarily for education in public administration, there has been a deliberate attempt, in selecting and handling the material, to emphasize aspects of the situation that are of administrative interest. Characteristic of the features of public administration that have thus been selected for highlighting are: informal organization, decision as a process, the complexity of governmental activity, the policy implications of the quasi-technical, and the technical limitations that affect policy decisions.

D. *Limitation of Focus.* As a pedagogical device, there has been an effort to limit and clarify the focus, and, where shifts in focus seem essential, to make the shifts quite explicit. The ultimate in this technique would be to use the device employed by Henry James of seeing all the events through the eyes of a single observer; but the intractability of historical materials has made this device impractical, except for straight autobiographical accounts.[6] By way of illustration of what has been done, there can be cited one case in which a single group of Foreign Service officers had simultaneous negotiations with officials of the U.S. Bureau of the Budget and with a Congressional subcommittee. In the first draft of the case, both sets of negotiations were woven into a single narrative, but in the revised version they were separated into two different chapters with appropriate cross-references. The revision was undertaken in order to encourage the reader to pause and analyze each set of relationships and the decisions made in each negotiation, a task that was difficult when the two were intermingled.

E. *Emphasizing the Crisis of Decision.* Again as a pedagogical device, there has been a deliberate and major effort to emphasize the points of decision and to invite the student to ponder on the accepted, the rejected, and the unnoticed alternatives. A variety of technical devices has been used in the effort to bring about this result, including such tools of the trade as suspense (ending the chapter on the question), recapitulation, and the citation of hypothetical alternatives.

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[6] In his preface to *The Wings of the Dove*, James has expounded his rigorous insistence on seeing, if not the whole book, then each part of it through the eyes of a single person—"no sacrifice of the recording consistency"; but his exposition of what is involved in this rigorous consistency is sufficient to show that the technique in its pure form is unattainable by the historical analyst.

F. *Selection by Expertise.* All the members of the CPAC Policy Committee and the Staff Director have spent many years either as students of public administration or as practitioners, or as both; almost all the authors have had some introduction to the field, and in most cases more than just an introduction. The case drafts have undergone a complex process of circulation, comment and revision, a process in which dozens of participants in the events (*eo facto* administrators) have also taken part. As a result, the case presentations represent a corporate sense of "rightness," of validity tested by feel; this expertise is, of course, such a familiar phenomenon that it has found acceptance in the courts. In the preparation and revision of the CPAC cases, it has operated to determine "relevance" and "normality"; it has provided a major criterion for determining emphasis; and it has also, on occasion, evoked a search for presumptively missing evidence, and guided the omission or recasting of materials obtained from interviews or histories.

TOWARD A MORE RESPONSIBLE TWO-PARTY SYSTEM: A COMMENTARY

AUSTIN RANNEY
University of Illinois

Every American concerned with the future of democratic government in the United States owes a considerable debt to Professor Schattschneider and the American Political Science Association's Committee on Political Parties. Their *Report*, ostensibly concerned with bringing about "fuller public appreciation of a basic weakness in the American two-party system,"[1] in fact addresses itself to two of the most pressing questions confronting us: How can we in America establish a governmental system capable of performing effectively the Herculean tasks thrust upon it by the demanding times in which we live? And how can we make sure that such a government will at the same time be thoroughly responsible to the people? The members of the Committee appear to consider both questions to be of equal importance. The goal, they feel, must be a government which is both effective *and* democratic. And if their *Report* does nothing more than precipitate a general and serious discussion of these urgent questions, the Committee will have more than justified its existence.

The *Report* deserves the serious attention of a far wider audience than one exclusively of specialists in political parties for it takes the position that a responsible party system is the only possible institutional mechanism for providing us with effective and democratic government. Its explication of that position, its analysis of why and in what respects American parties are at present incapable of doing the job, and its prescription of remedies for their deficiencies—all these merit the most careful consideration of the political theorist and the general student of American government, as well as of the specialist in parties.

It is precisely because of agreement with the members of the Committee upon the importance of the questions raised, and because of gratitude to them for their attempt to answer these questions, that the writer feels it necessary to point out why their analysis of the problem is inadequate in certain respects. For purposes of brevity, this commentary will be confined to the two sections of the *Report* which most seriously weaken its total argument: (1) its explication of the notion of "intraparty democracy"; and (2) its analysis of why American parties are as they are and what must therefore be done in order to improve them.

I. THE IDEA OF "INTRAPARTY DEMOCRACY"

One of the ideas stressed most diligently in the *Report* is that there must be, along with the "external responsibility" of the parties to the electorate at large, also "internal responsibility," or "the responsibility of party leaders to the party membership, as enforced in primaries, caucuses and conventions."[2] "Intraparty democracy," it is further explained, means three things: (1) "the internal processes of the parties must be democratic," (2) "the party members must have an opportunity to participate in intraparty business," and (3) "the leaders must be accountable to the party." And not only is this "internal responsibility" as important a goal as the "external responsibility" of the parties themselves to the voters, but, the *Report* adds, the former will, by promoting closer relations between the leaders and the rank and file and by enlarging the areas of agreement within the parties, also tend to *promote* the latter.[3]

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[1] *Toward a More Responsible Two-Party System,* AMERICAN POLITICAL SCIENCE REVIEW, Vol. 44, Supplement (Sept., 1950), p. v. This document will subsequently be cited simply as *Report.*

Two questions about such a conception of "intraparty democracy" immediately suggest themselves: (1) What persons should be considered "party members" whose right to participate in intraparty business should be guaranteed and to whom party leaders should be accountable? And (2) how may this "accountability" be institutionalized and made effective? The *Report* has a great deal to say about the first question, but, so far as the writer can tell, no clear and unequivocal answer emerges. The Committee comments initially:

> The vagueness of formal leadership that prevails at the top has its counterpart in the vagueness of formal membership at the bottom. *No understandings or rules or criteria exist with respect to membership in a party.* . . . It is obviously difficult, if not impossible, to secure anything like harmony of policy and action within political parties so loosely organized as this.[4]

Under our present direct primary laws, the only "rule" or "criterion" of party membership is the voter's assertion that he is a "member" of the party in which he desires to register, and, in a few states, also his promise to vote for the party's candidates. Many observers believe the introduction into these laws of more precise and demanding qualifications to be indispensable to the achievement of a more useful and meaningful standard of party membership. The Committee apparently does not agree, for the only reforms in the primary laws it recommends are the general adoption of the closed primary and the prohibition of such practices as cross-filing in California and the blanket primary in Washington.[5]

The *Report*, in fact, does not expressly deal with the question of what would (if we could achieve it) constitute a more useful conception of party membership, except to suggest that such a conception would include a more general agreement (though by no means complete unanimity) on matters of public policy.[6] The Committee proposes to solve the problem by a series of measures designed to encourage increased "grass-roots" discussion of party policies and candidates by the rank and file; for, we are told, more discussion will produce greater party unity, and "with increased unity within the party it is likely that party membership will be given a more explicit basis."[7] The Committee apparently hopes that the party "members" will talk themselves into such a degree of agreement that it will be unnecessary to face the difficult and unpleasant problem of whether a "member," who after full discussion with his fellow "members" is still not willing to go along with the policies and candidates the party majority has settled on, continues to have the "right" to participate in its deliberations.

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[2] *Ibid.*, p. 23. [3] *Idem.* [4] *Ibid.*, p. 27 (emphasis in the original).

[5] *Ibid.*, pp. 70–72. It is difficult to see the relevance of these proposed reforms to either "internal" or "external" responsibility. Is there any evidence to suggest, for example, that Senator Knowland (from a cross-filing State) and Senator Magnuson (from a blanket-primary State) disagree with and stray from the programs and positions of their respective parties more than, say, Senator Morse, Senator Tobey, or ex-Senator Elmer Thomas (all from closed-primary States)?

[6] *Ibid.*, p. 69.

The original question thus remains unanswered. We have not been told *who* has a right to be considered a party member. Yet this consideration is fundamental to the committee's notion of "intraparty democracy"; for, if the members are to have the "right" of holding party leaders to account "in primaries, caucuses and conventions," we must first know just who will be permitted to exercise this "right." Will the party leaders, for example, be "responsible" to all those persons who register as party members and vote in the closed primaries? Or will they be "responsible" to all those persons who vote for the party ticket?

The Committee does not clearly state its adherence to either of these concepts of party membership; but its discussion, in another part of the *Report*, of the "unrepresentativeness" of the National Conventions strongly suggests an inclination toward the ticket-voter conception. As evidence of that "unrepresentativeness," the *Report* cites the fact that the "rank and file" strength of both parties is not truly represented in the National Conventions because the number of delegates each State sends to them is based, not upon the number of voters for the party in the State, but upon the number of presidential electors it has, modified only by a certain number of additional delegates at large. To clinch the argument the *Report* quotes figures showing the great variations from delegation to delegation in each party convention in the number of party voters per delegate.[8] This argument clearly rests upon the premise that party conventions *should* represent those who vote for the party's ticket. And, if this argument about the National Conventions indicates its real position on the matter, the Committee apparently believes that anyone who votes for a party's national ticket must be regarded as a "member" of that party, one who must be "represented" in its decision-making bodies if real "intraparty democracy" is to exist.

If this is indeed what the Committee means by "membership" in a party, "intraparty democracy" seems very far away, however much discussion may go on among such "members." As Professor E. E. Schattschneider has previously argued, such individuals can be called party "members" by courtesy only, for they assume no real obligation to the party, and the party in turn has no control over them. This is not true, he points out, of the relationship between any other organization and its members. In actuality, such "members" can hardly hope to exert any more effective control of the party leaders than rooters for the New York Yankees can exert over the operations of the team— and for the same reasons.[9] If we operate in terms of such a conception of party membership, in other words, it seems very likely that Michels' familiar "iron law of oligarchy" will obtain: the control of the parties will remain in the hands of those who assume some real obligation to them, and "intraparty democracy"—so far as the ticket-voting "members" are concerned—will remain only a slogan.[10]

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[7] *Ibid.*, pp. 65–70.

[8] *Ibid.*, pp. 28–29.

The reader cannot be certain, however, just what the Committee regards as the requirements and obligations (if any) of party membership and how those requirements and obligations should be enforced. The *Report's* lack of clarity on this point notably affects its answer to the question of how the accountability of the leaders to the "members" is to be made effective. The "machinery of intraparty democracy" which it proposes consists of a biennial National Convention "broadly and directly representative of the rank and file of the party," and the encouragement of the discussion of issues and the suggestion of policies to the proposed Party Council by local party groups that meet frequently.[11]

But the only specific item of machinery suggested whereby the rank and file can hold the leaders *responsible* is the closed primary; and there is little evidence to suggest that, where it is employed, this institution has greatly increased "intraparty democracy" as the Committee seems to visualize it.[12]

Perhaps the primary cause of the obscurity of the Committee's argument on this whole point is its failure to make clear just what it means by "democracy" in this context. In its preliminary argument for the desirability of more responsible parties as a way of achieving a greater degree of democracy in the United States, the Committee (although the point is not made explicit) seems to regard "democracy" in the community at large as necessarily consisting in the popular choice between alternate ruling-groups, not as popular *participation* in its day-to-day processes.[13] Yet its idea of "democracy" inside the parties seems to include participation as well as control. Whatever it means, one may ask, with Professor Schattschneider, if it is possible for twenty-seven million Democrats to "participate" in the close supervision of the affairs of the Democratic party any more effectively than 150 million Americans can "participate" in the close supervision of their government. "Will it be necessary," he further asks, "to develop parties within the parties in order to simplify and define the alternatives for the members?"[14]

Finally, it is difficult to see how the Committee's notion of "intraparty democracy" is calculated to promote the achievement of its other goal, the "external" responsibility of the parties to the whole community. The *Report* argues that "intraparty democracy" will promote party responsibility by increasing the unity of the members of each party behind their respective programs, but the

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[9] *Party Government* (New York, 1942), pp. 53–57.

[10] Cf. Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (Eden and Cedar Paul trans.; London, 1915) *passim.*

[11] *Report*, pp. 67–68.

[12] Cf. Schattschneider, *op. cit.*, pp. 56–58.

[13] Cf. *Report*, p. 15.

[14] *Op. cit.*, p. 58.

Committee does not seem to recognize the possibilities for promoting factionalism in the parties by trying to make them into something other than purely private associations. Professor Schattschneider, for one, has argued that we can hope for more genuinely responsible parties in the United States only when their essentially *private* nature is recognized:

> Will the parties be less responsive to the needs of the voters if their private character is generally recognized? Probably not. The parties do not need laws to make them sensitive to the wishes of the voters any more than we need laws compelling merchants to please their customers. The sovereignty of the voter consists in his freedom of choice just as the sovereignty of the consumer in the economic system consists in his freedom to trade in a competitive market. That is enough; little can be added to it by inventing an imaginary membership in a fictitious party association. Democracy is not to be found *in* the parties but *between* the parties.[15]

Perhaps the Committee has a reply to this argument; but the *Report* does not provide it. Until we know what that reply is, we must receive the assertion that "internal responsibility" will promote "external responsibility" with considerable reservation.

II. WHY ARE AMERICAN PARTIES AS THEY ARE?

A considerable portion of the *Report* is devoted to the suggestion of a number of reforms for American parties, all intended to make them more responsible. The Committee apparently regards the primary function of its *Report* to be that of showing the politicians and the people some practical ways and means of obtaining these goals. The validity of its program of reform, however, depends upon its answer to the logically prior question of *why* American parties at present display what the Committee regards as their unsatisfactory characteristics —for does not the soundness of any therapeutic regimen depend upon the accuracy of the diagnosis upon which it is based?

Most present-day students of the American party system believe that the primary determinant of its nature is the fact that it must operate within a consitutional system that sets up too many and too effective barriers to the development of unified and responsible parties.[16] The *Report* begins its explanation as though it too were going to follow the orthodox course. "Party institutions and their operations," we are told, "cannot be divorced from the general conditions that govern the nature of the party system."[17] The paragraphs that follow, however, do not suggest what general *conditions* "govern" the nature of American parties; instead the Committee lists certain *characteristics* of the parties which it considers undesirable: generally, localism, the absence of any effective central leadership, and the ambiguity of membership; more specifically, the inadequacy of the national party organs and platforms, the absence of

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[15] *Ibid.*, p. 60 (emphasis in the original).

[16] Cf. *ibid.*, pp. 7–10, 123–128; V. O. Key, *Politics, Parties and Pressure Groups* (2nd ed.; New York, 1947), pp. 664–667; P. H. Odegard and E. A. Helms, *American Politics* (2nd ed.; New York, 1947), pp. 124–131; and D. D. McKean, *Party and Pressure Politics* (Boston, 1949), pp. 29–49.

[17] *Report*, p. 26.

"intraparty democracy," and the failure of the parties to carry on party research.[18] Thus we are told a great deal, here and elsewhere, about the respects in which American parties are unsatisfactory, but nowhere in the *Report* is there an explicit statement of the reasons for their deficiencies.

An explanation of the unsatisfactory nature of American parties, however, is strongly implied in the Committee's position upon the *kind* of reforms needed to achieve responsible parties. They begin by rejecting any wholesale constitutional change, such as, for example, the adoption of a cabinet system. Such a system, they argue, presupposes the existence of strong parties but does not always produce them; and if we should achieve strong parties in the United States, cabinet government would be unnecessary. So the indicated program of reform is one that concentrates solely on changing the parties; when they are made more responsible, the Committee feels, the constitutional system will not seriously retard the achievement of truly effective and democratic government—

> it is easy to overestimate . . . the rigidity of the existing constitutional arrangements in the United States. Certainly the roles of the President and Congress are defined by the Constitution in terms that leave both free to cooperate and to rely on the concept of party responsibility. . . . It is logical first to find out what can be done under present conditions to invigorate the parties before accepting the conclusion that *action has to begin with changing a constitutional system that did not contemplate the growing need for party responsibility when it was set up.*[19]

The *Report*, then, clearly rejects the notion that the nature of American parties is basically determined by our constitutional system. It agrees with Professor Schattschneider that

> The greatest difficulties in the way of the development of party government in the United States have been intellectual, not legal . . . [and that] . . . once a respectable section of the public understands the issue [*sic*], ways of promoting party government through the Constitution can be found.[20]

As the Committee puts it, "The character of this publication is explained by the conviction of its authors that the weakness of the American two-party system can be overcome as soon as a substantial part of the electorate wants it overcome."[21] And the electorate, they feel, *will* want the party system made stronger as soon as they fully *understand* that more responsible parties, as the Committee defines them, will produce the more effective and more democratic government which they so strongly desire.

The Committee's position on the fundamental questions of what barriers now exist against the achievement of responsible party government in the United States and how the Committee may contribute to their removal may therefore be reduced to these propositions: (1) Americans want effective and democratic government; (2) a responsible two-party system will, despite the Constitution, produce such a government; (3) the present weakness of our parties is basically a result of the fact that the people do not understand that a more responsible party system will produce the kind of government they want; (4) therefore, the way to remedy the present unsatisfactory situation is to educate the people to the possibilities of a responsible two-party system, and to start reforming the parties themselves without attempting the difficult and probably unnecessary task of formally amending the Constitution. Of the many specific reforms the *Report* proceeds to suggest, all but three are concerned solely with party matters and would require no change in the formal constitutional system.[22]

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[18] *Ibid.*, pp. 26–31.

[19] *Ibid.*, pp. 35–36 (emphasis added).

[20] *Op. cit.*, pp. 209–210.

[21] *Report*, p. v.

The Committee's whole position upon the question of why American parties are as they are—and consequently its whole program for reforming them—rests upon the validity of propositions (1) and (3) above. It is therefore necessary at this point to examine those propositions more critically than the Committee has done in its *Report*. Two questions that arise in this regard are: How long have American parties displayed what the Committee regards as their unsatisfactory characteristics? And does there seem to be any significant tendency for them to change in those respects? The *Report* gives somewhat ambivalent answers to both questions. There have been great changes in American society over the past fifty years, we are told, and the party system has reflected those changes—although it is not made clear in just what respects the party system has changed. "Despite these tendencies toward change, however," the *Report* continues, "*formal party organization in its main features is still substantially what it was before the Civil War*. . . . The result is that the parties are now probably the most archaic institutions in the United States."[23]

But is it only *organizationally* that the parties have remained the same? Have they changed greatly with respect to what the Committee considers to be their basic deficiencies: decentralization and localism, fragmentation of leadership, ambiguity of membership, inability to hold their lines on matters of public policy, etc.? The evidence strongly suggests that in these respects they have *not* changed significantly. It is illuminating, in this connection, to examine the writings on parties produced by leading American scholars of the past seventy-five years. Such political scientists as Woodrow Wilson, Henry Jones Ford, A. Lawrence Lowell, Jesse Macy, M.I. Ostrogorski, Herbert Croly and J. Allen Smith described the American party system of 1875-1915 in almost exactly the same terms that the Committee employs to describe the parties of 1950. And the first statistical evidence of the weakness of party lines in Congress and the state legislatures was provided by the famous and still relevant study of party-voting which Lowell made in 1902.[24]

If the nature of American parties has remained largely the same, it next becomes necessary to understand *why* this is so. Although the Committee does not enlighten us on this point, it might be argued that American parties have remained decentralized and irresponsible because the people have not, until very recently, been told of the desirability of a more responsible system. Yet an examination of the literature on parties produced fifty years ago will soon show the inaccuracy of such an argument. Some of the most prominent writers of the time, notably Wilson, Lowell, Ford, and Frank J. Goodnow, presented a case for a more responsible American two-party system that was at least as convincing as any made today.[25] It received, moreover, a very wide hearing.[26] The inescapable fact is that the people and the politicians have been exposed to the doctrine of responsible party government (and to its criticism of American parties) for at least sixty-five years, but that the essential nature of our party system has remained the same. However one may deplore that system, he must concede that it has displayed, if nothing else, a very impressive ability to survive. The Committee's inarticulate premise that it has survived because the people have not "understood" that responsible parties will give them the kind of government they want, would be more convincing if, having made it articulate, they had adduced some evidence to support it. The assumption that of course the people don't understand, because if they did they would demand responsible parties, is hardly borne out by the presently available evidence.

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[22] The three exceptions are: revising the operation of the Electoral College so that the percentage of electoral votes a candidate receives will reflect his share of the popular vote (p. 74); lengthening the term of members of the House of Representatives to four years (p. 75); and introducing the short ballot principle into state elections (p. 77).

[23] *Ibid.*, p. 25 (emphasis in the original).

[24] "The Influence of Party upon Legislation in England and America," *Annual Report of the American Historical Association for the Year 1901* (Washington, D. C., 1902), Vol. 1, pp. 321–542.

Fifty-odd years ago, A. Lawrence Lowell suggested another explanation of the resistance of American parties to change which the authors of the *Report* might well ponder.[27] His thesis was that American parties are the way they are because they are entirely appropriate to the kind of government the American people want. He developed it thus: Unified, disciplined and responsible parties are appropriate *only* to a government which seeks to locate *full* public power in the hands of popular majorities. England is the leading example of such a goverment, and the English people have quite properly established a cabinet system in order to enable responsible parties and majority rule to flourish; for "if the object of government is to divide the people into two political parties, and to give rapid and unlimited effect to the opinions of the majority, no better political system has ever, perhaps, been suggested. . . . "[28] A responsible party system, in short, is indispensable to a system of "unlimited" majority rule. To any other system it is quite inappropriate.

In the United States, Lowell continued, the people want majority rule only up to a point and within very definite limits:

> It is here considered of the first importance to protect the individual, to prevent the majority from oppressing the minority, and, except within certain definite limits, to give

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[25] Cf., for example, the present writer's discussion of "Goodnow's Theory of Politics," *Southwestern Social Science Quarterly*, Vol. 30, pp. 268–276 (March, 1950).

[26] Note, in illustration of this point, the fact that Wilson's *Congressional Government*, which was first published in 1885 and was a strong defense of the doctrine of responsible party government as applied to the American party system, went through twenty-five impressions, the last of which appeared in 1925. And even as President, Wilson continued to argue for more responsible parties.

[27] *Essays on Government* (Boston, 1897), particularly in the essays entitled "Cabinet Responsibility and the Constitution" and "Democracy and the Constitution."

[28] *Ibid.*, pp. 21–22.

> effect to the wishes of the people only after such solemn formalities have been complied with as to make it clear that popular feeling is not caused by temporary excitement, but is the result of a mature and lasting opinion.[29]

Americans, that is to say, want *both* majority rule *and* minority rights; but they feel that the former must never be allowed to abridge the latter, and that the latter should constitute a fundamental limitation upon the former. Furthermore, Americans believe that there must be far more effective restraints upon the majority than are imposed simply by trusting them to behave with self-restraint. It was to institutionalize just this set of ideas about government, Lowell explained, that the Founding Fathers wrote the kind of Constitution they did—a Constitution planned to make it as difficult as possible for any bare popular majority (or any party or "faction" representing such a majority) to command the *whole* power of the government. Thus the framers divided the power of the national government among three different agencies, no one of which has full power. They made each of these agencies independent of the others by having it derive its power from a different source and acquire its personnel by a different mode of selection. And they provided that the enormously important power of making the final decision upon the limits of the powers of the various agencies and of the government as a whole be given to the body furthest removed from control by bare popular majorities—the courts of law.[30] The Founding Fathers did *not* create this elaborate and complex structure for the reason which the *Report* suggests, i.e., because they "did not contemplate the growing need for party responsibility when [the Constitution] was set up."[31] They did it because they wanted to make sure that no unified and disciplined majority "faction" would ever be able to trample upon the rights of minorities; and the only sure way to prevent such a situation seemed to be to give any substantial minority the power to protect itself by vetoing any act of any majority it sees fit to veto.

But where does the American party system fit into such a scheme of government? American parties *as they exist*, said Lowell, are not only appropriate to it, but they are of considerable help in making it work. For one thing, he pointed out, our decentralized and irresponsible parties make it difficult for strong-willed and self-conscious popular majorities even to form. The American party leader thus does not seek to rally a strong popular majority around a concrete and consistent program of public policy; instead

> he usually attempts, on the contrary, to conciliate all classes and delights in such language as "a tariff for revenue only, so adjusted as to protect American industries"; an expression intended to win the votes of free-traders without offending the protectionists. He is a member of an army of office-seekers, whose warfare is not directed against private rights, or the interests of particular classes, or even against what might be considered crying abuses, but is waged chiefly with a rival army of office-seekers. . . . The result is, that party agitation in America does not in general involve any threat against the property or rights of private persons, and that those statutes which may be classed as socialistic rarely find a place in party programmes, and are not carried by party votes. *This state of things is not an accident. It is the natural consequence of the political system of the United States.*[32]

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[29] *Ibid.*, p. 22. [30] *Ibid.*, pp. 90–104. [31] *Report*, p. 36.

[32] Lowell, *Essays on Government*, pp. 107–108 (emphasis added).

Elsewhere Lowell showed how American parties distort the expression of what majority opinions do exist, and how their irresponsibility and weak party lines keep even distorted majority opinions from being translated into governmental action.[33] They are, he argued, but one more aspect, albeit it an important one, of a *total* system of anti-majoritarian government, sustained by the conviction of the American people that "unlimited" popular majorities are a constant and dangerous threat to minority rights, the security of which is the primary desideratum of good government. To compare the American party system unfavorably with a model system based upon British party practices is therefore pointless, he added; for British parties are an integral part of a governmental system aimed at quite different goals than those the American system seeks to realize. So long as Americans continue to refuse to place minority rights at the mercy of bare popular majorities, Lowell concluded, the American system of government, *including* its present system of irresponsible parties, is not likely to change.

It is by no means necessary to accept Lowell's analysis in its entirety to realize that he raised a number of questions which, whether the Committee recognizes it or not, lie at the heart of the problems with which it deals. What is the nature of democratic government? And do the American people really want such a government? Only *after* we have answered these questions can we decide what kind of party system is appropriate for the United States.

Perhaps the most-valuable contribution of Lowell's discussion is his clear presentation of the necessity of a *choice* between majority rule and minority rights, and his reminder that the doctrine of responsible party government makes sense only in a context where the former has been chosen. His analysis serves to show us that, unless we are willing to leave it to the good will and sense of self-restraint of bare popular majorities, the protection of minority rights necessarily involves giving some agency *external to* such majorities and *not responsible to* them the power to veto any act of a majority which it disapproves. We must, if "minority rights" in that sense is our choice, enable the minorities both to determine the boundaries of their rights *and* to have the final say as to whether any given act of a majority transgresses those boundaries. We must furthermore recognize that the power to veto is the power to *rule*, however we may wish to soften that harsh fact verbally; for the power to veto is the power to select the status quo from among the many alternative policies a government might, in any given situation, pursue. We must, in short, decide whether democracy to us means majority rule *or* minority rights. We cannot have both, for the latter in essence means minority *rule.*[34]

In the writer's opinion, the issues involved in the majority rule *vs.* minority rights controversy are not, and have not been, as clearly seen and faced by the American people as Lowell seems to have believed; and the people therefore cannot be said to have made the clear choice of minority "rights" that he attributed to them. Probably the prevailing attitude in the United States is that we want *both* majority rule *and* inviolable minority rights, and that neither deserves any priority over the other.[35]

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[33] *Public Opinion and Popular Government* (New York, 1913), pp. 65–66, 96–97, 105, 139–140.

[34] For an able recent statement, by one of its leading American exponents, of what is involved in the majoritarian position, see Willmoore Kendall, "Prolegomena to Any Future Work on Majority Rule," *Journal of Politics*, Vol. 12, pp. 694–713 (Nov., 1950).

Certainly the Committee makes no clear choice, as its reluctance to make a clear statement about the position of dissident minorities within "responsible" parties shows. In the *Report's* discussion of "intraparty democracy" and the proper nature and sources of party discipline, the whole emphasis is upon the "generally [*sic*] binding" nature of party platforms and caucus decisions; and for the most part their explanation of the proper nature of party discipline consists of showing how fine it would be if all party members would argue themselves into agreement on program and candidates so that there would *be* few dissidents.[36] Their proposals for creating party "unity" are thus designed to build it up, not by any system of forcing members of party minorities to choose (as they must, for example, in England) between going along with the decisions of the party majority or getting out of the party, but by a series of "positive measures" for discussion, by which the Committee apparently hopes that all factions in the party will argue themselves into agreement and that the problem of the relative rights of majorities and minorities seldom need arise.[37] The *Report* never tells us, however, how a "democratically organized" party should handle a situation in which the party majority has decided to do something with which a party minority cannot "conscientiously" agree.

Whatever the Committee believes democracy requires, it seems clear that only when the American people have clearly faced the necessity of choosing between majority rule and minority veto-power will we be able to tell whether Lowell's judgment of their preference for the latter is valid. And only then will we be able to predict the popular reception likely to be accorded the doctrine of responsible party government in the United States.

The authors of the *Report*, however, apparently feel that it is both possible and necessary to "sell" the people on the desirability of a "more responsible" party system without dealing with such "theoretical" matters as majority rule and minority rights and such "impractical" questions as that of constitutional revision. They must be reminded, in this connection, that their conception of a responsible party system is a *model* (not something which actually exists in this country), and a *democratic* model. It is founded upon the conviction that only *parties*, not individuals, can effectively be held responsible by the electorate for the manner in which the government is carried on. It is therefore necessary, if genuinely responsible parties are to exist, for the party which wins a *majority* of the popular votes to secure thereby the *full* power of the government. If the majority party does not exercise full power, it can hardly be held fully responsible for whatever the government does or fails to do; for is it not an axiom of contemporary political science that responsibility depends upon the possession of power? Yet a people which is not "sold" upon the idea of majority rule can hardly be "sold" a way of making majority rule effective. And a people which believes that unrestrained popular majorities cannot be trusted to rule wisely and well, is likely to continue to consider such majority-restraining traits of its party system as "independence" desirable attributes of statesmanship. A majoritarian party system, as Lowell so ably pointed out, is not likely to flourish in an anti-majoritarian governmental system. And what is much more pertinent, a majoritarian party system is not likely to be acclaimed by a people which is not sure that majority-rule democracy is what it wants.

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[35] This, of course, is difficult of final proof. The writer has derived his strong impression that this statement is valid from discussions of the issues with students, his understanding of the present academic and popular literature on the nature of democracy, and his interpretation of the significance of the general American belief in the desirability of such an institution as judicial review. Whether or not this statement is accurate, however, it is at least clear that Americans are not generally committed to a belief in the desirability of "unlimited" majority rule. And that, for the purposes of the argument that follows in the text, is the important point.

[36] Cf. *Report*, pp. 52–53, 61.

[37] *Ibid.*, pp. 20–22.

In short, if the Committee really wishes to see genuinely effective *and* democratic government achieved in the United States, it must, however "impractical" it may seem, work for popular acceptance of the *whole* package of majority-rule democracy; it is highly impractical to plead just for a responsible party system, which after all is just one part of the total democratic package—and one which logically comes rather late in the argument. No matter how much the President and Congress may wish to "cooperate," a responsible party system can hardly flourish in a constitutional system where it is possible for a small bloc of Senators to filibuster to death any part of the winning party's program, where it is impossible, because of the staggered calendar of elections, to replace the *entire* government at any one election, and where, most important of all, a Supreme Court selected for life and largely beyond the reach of any popular majority can, for all practical purposes, declare any of the majority party's leading measures null and void.

The problem we face is not one of deciding whether the constitutional system or the parties should be changed "first." The point is that the same popular beliefs about government which sustain our present anti-majoritarian constitutional system will continue to sustain (as they have for a very long time) our anti-majoritarian party system. Only when the American people have fully accepted the doctrine of majority-rule democracy can the doctrine of responsible party government expect to receive the popular acclaim which, whether in Lowell's time or our own, it has so far been denied.

FAR EASTERN STUDIES: PROBLEMS AND POSSIBILITIES*

HAROLD S. QUIGLEY
University of Minnesota

The *China Critic* vouches for the Chinese origin of this timely story. On a hot summer day a monk, moving unsteadily along a country road, was arrested by a constable for drunkenness. On the way to jail both monk and constable became weary, and sat down beside the road to rest. Both went to sleep. The monk awoke first. Being a man of humor, he unsheathed his razor, shaved a tonsure on the constable's head, and made off. When the constable awoke to find his prisoner fled, he sleepily rubbed his cheek and then his head, eventually feeling the tonsure. "Aha," he cried, "I have found the monk; but where have I gone?"

China today is playing the role of constable. Communism was arrested a quarter-century ago but placed its mark upon the captor, the people of China, who are not yet fully awake to where they are. "Where has China gone?" "Where has the tradition of Chinese-American friendship gone?" These questions and others related to them prompt students of the Far East to ask themselves not only how effectively the study and exposition of the field are being carried on, but what practical application is being made of the findings of research. They are deeply concerned to establish closer liaison with their fellow citizens and to have fuller public knowledge, and more confident utilization, of their work.

For leadership of popular thought and for aid in the formulation of public policy, the most thorough study of foreign peoples, of their interrelationships and of our relations with them, is imperative. Equally important is the introduction of our citizenry in the high schools, colleges and adult education classes to the great civilizations of the world. Unless this introduction is made, there will be no leverage for greater learning to use against charlatanism and trickery, which flourish with feeding upon ignorance. A little knowledge may be dangerous if one is content with it. The only remedy for contentment is the availability of greater knowledge.

In a recent pamphlet, Mr. Mortimer Graves, who has done much to advance the development of Far Eastern studies, argued urgently for support of the study of foreign lands by the federal government. He stated that "By far the largest proportion of Americans who graduate from institutions of higher learning do so without ever meeting a civilization differently patterned from their own." While pointing to the implications of this vacuum for our national security, Mr. Graves placed major emphasis upon our unpreparedness to maintain peace. "It is difficult to imagine," he wrote, "any single element which could do so much to prevent a new crisis as an adequate cadre of Americans with detailed understanding of the peoples of Asia, especially at the level of what they think and desire." Estimating American needs as a minimum of 1170 specialists, trained in one or another of forty areas of culture and civilization, inclusive of Far Eastern areas, he declared that "after all the forced draft of a total global war and a decade of world-wide activity, we are not equipped with even an approximation to this minimum."[1] This authoritative challenge to self-satisfaction is part of the answer to the question of the scholar's place in public policy-making. It might be epitomized: "First find a scholar!"

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* Presidential address delivered before the Far Eastern Association at its annual meeting in Philadelphia, March 28, 1951.

It will be agreed that the American student of the Far East sets himself one of the most difficult tasks within the world of letters. To the history and literature of his own civilization, plus the principles and techniques of his separate discipline, he must add as much as time allows of the history and culture of countries that were old when King Alfred burned the cakes while watching a spider. In many cases he will have to earn his bread through his knowledge of Western institutions and to be happy if permitted to enjoy a little dessert in the exposition of his primary field of interest.

Piling Ossa upon Pelion, Far Eastern peoples, despite an opportunity extended to them hundreds of years ago to learn the English language, have shown an obstinate preference for their own beautiful but enigmatic symbols. Fortunately, their scholars, journalists and public men have placed their Western colleagues in their debt, to an extent that deserves greater recognition than it has received, with books, periodicals, newspapers, documents and translations in Western languages, and to these they have added oral benefits, for students able to spend enough time abroad to deepen acquaintance and win confidence. But none will contend that there can be any substitute for the native language of one's country of research. Without it he walks on crutches, not on his own feet. Is it too much to ask that the crutches may be strengthened by the widest practicable use of the Roman alphabet by Far Eastern writers? By "practicable" is meant whatever degree of such use is compatible with the preservation of the full significance of terms. Otherwise, it seems highly improbable that well-qualified readers of Far Eastern languages will ever be comparable in numbers with serious students of Far Eastern civilizations.

Mothered by language and fathered by a composite creature of ardent and reluctant elements, area study programs have appeared in American curricula. They were born shortly before World War II, and the War Department stood godfather at their christening. Unquestionably, the area programs in our universities during the war were regarded as valuable by the Department although, so far as I know, their directors, *quorum pars fui*, have never received formal tokens of appreciation. The programs appear to be a fixture today. Agreement has not been reached upon methods of teaching, levels upon which to teach, and that most difficult of all problems—how to implement integration through cooperation. Personal predilection, teaching loads, difficulties of curriculum-planning, and high cost per student impede co-operative research and teaching. But in many instances members of faculties have assumed additional burdens in experimentation with interdepartmental collaboration. Full-fledged area programs depend at present upon the generous support of foundations. The process of experiment continues, lagging disciplines gradually are being drawn into the programs, and evidence accumulates upon the values and limitations of area studies.

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[1] *A Neglected Facet of the National Security Problem* (American Council of Learned Societies; Washington, Oct. 15, 1950).

Experience suggests that it is possible to over-emphasize area study as a separate program for undergraduates. Students may be led, quite unintentionally, to think of all courses relating to an area as composing one package, to be taken as such or not at all. Since many of them obviously will not want the package, they may, perhaps reluctantly, elect nothing. While it seems to be inadvisable to confine area programs to the graduate school, it is apparent that they will appeal to only a small minority of undergraduates and that individual courses should be open and attractive to any student to whose program they are relevant.[2]

Preparation for effective research and teaching cannot all be made at home. That part of a specialist's study must be done within the country he is studying need not be argued. He cannot limit himself to a holiday tour, since his experience depends, for full fruitfulness, upon contacts with the life about him. Otherwise very little of the savor of life will be revealed in books that embody materials obtained in the midst of it. The student must in some fashion merge with the everyday routine if he is to know the thought and feeling that underlie social movements and political action. If he can mingle as an employee rather than as an employer or director, so much the better. He must come to feel at home if he is to have his own criteria of interpretation. Beyond his Oriental gateway stretches a vista of acquaintanceships to which doors open readily if he will but knock. Polls and questionnaires and statistics have their important place, but there is no substitute for contact—through all five senses.

It is not, regrettably, platitudinous to say that one cannot see with his eyes closed. He cannot approach another civilization in an *a priori* mood. Nor can he, in laying a foundation for more intensive research, pick and choose between the rough and the smooth, the rich and the poor, the learned and the illiterate, the pious and the agnostic, the left and the center and the right.

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[2] The following are recent publications on the development of area studies: William Nelson Fenton, *Area Studies in American Universities* (American Council on Education; Washington, 1946); Robert B. Hall, *Area Studies: With Special Reference to Their Implications for Research in the Social Sciences* (Social Science Research Council; New York, 1947); Richard H. Heindel, *The Present Position of Foreign Area Studies in the United States* (Social Science Research Council; New York, 1950); Grayson Kirk, *The Study of International Relations in American Colleges and Universities* (Council on Foreign Relations; New York, 1947); Robert John Matthew, *Language and Area Studies in the Armed Services: Their Future Significance* (American Council on Education; Washington, 1947); Charles Wagley, *Area Research and Training: A Conference Report on the Study of World Areas* (Columbia University and Social Science Research Council; New York, 1948). The Carnegie Corporation is considering publication of a catalogue of area study programs in the United States.

He will learn as much, if not more, from the cook, the barber, the ricksha boy, the peddler, the coal-man and their like as from acquaintance with very important persons. He runs but one risk—that he, having gone to learn, will stay to teach. These two inspiring inner drives should not be confused.

It is, of course, of the utmost importance that the student in a strange environment be equipped, by disciplinary preparation, to look for significant facts and to recognize facts when he sees them. An education in economic theory is not preparation for the study of Chinese medicine, nor is a medical school a suitable training-ground for research in Chinese politics. It follows, furthermore, that a trained researcher's findings and judgments are entitled to greater respect than are those of an observer whose training is unrelated to the field of research. Unfortunately, what is accepted as axiomatic when applied to the physical sciences is often ignored by usurpers of the social sciences.

The organization of the American Oriental Society in 1842 and of the Far Eastern Association in 1948 proves that the inherent difficulties of Far Eastern studies have not deterred entrance into the field. Their journals and monographs in themselves provide a considerable body of data and interpretation. They are actively seeking to extend research, instruction, publication, and the international interchange of teachers and students. These societies are guardians of high standards of scholarship, quiet but determined stimuli of cultural growth and national integrity.[3]

Granted that our reservoir of learning is far from full and that the laborers are still too few, the record of effort and accomplishment is not unworthy. It warrants the expectation that the reservoir will be tapped by public officials and private citizens desirous of accurate data for the basis of policy; also that the opinions of men and women who have gathered and appraised the data will be sought, upon the premise that they have gained a reputation for reliability by running the gauntlet of scholarly criticism which no aspirant for the laurel wreath can escape.

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[3] A year ago the Committee on Far Eastern Studies of the American Council of Learned Societies, after affirming the crucial importance of extending undergraduate instruction in Far Eastern studies, recommended that the Council seek to obtain a considerable sum to enable the Far Eastern Association to survey existing offerings on that level. The Committee also emphasized strongly the need of publication outlets for monographs, noted that a number of good studies were awaiting publication, and recommended that the Council seek even larger funds for this purpose. Its recommendation expressly included the monograph series of the Far Eastern Association for such assistance. The Association is also engaged, on its own behalf and with some success, in efforts to obtain a sizeable revolving fund for publications. The first monograph of an anticipated series is now ready for the press. Furthermore, in conjunction with the American Council of Learned Societies, and with foundation support, the Association is aiding research and teaching by publishing indices of recent acquisitions by the National Archives, by negotiating with government departments to make newly acquired documents available, by encouraging the preparation of bibliographies and translations, by exploring the use of slides, and by inquiring into possibilities for exchanges of teachers. A committee of the Association has made a preliminary survey of needs for instructional materials. Collaboration is continuing with the American Library Association in relation to cataloging, training of librarians and other problems. And the *Far Eastern Quarterly* has attained distinction through its contributions, editorship and format.

Our public service has benefited and continues to benefit by the employment of highly qualified students of foreign areas. Contacts between them and academic specialists are frequent and mutually profitable. Regular and *ad hoc* advisory groups are called in by government departments. Congressional committees are building up a staff of capable research men. More and more effort is being made in Washington to obtain the unpublished results of university research and to supply materials to aid research. Far from lack of interest, there is a keen sense of mutual advantage in this trend.

However, there still is room for expansion of these relationships. Statesmen may be expected to stand more firmly by policies they believe to be sound, bureau directors and divisional drafters to present situations as they see them, not as their superiors imagine them, if they can rely upon objective study and impartial judgment. But since what is wheat to one scholar may be chaff to another, and since objectivity and impartiality are relatives, not absolutes, statesmen and their coadjutors may not safely neglect the cross-section and depend only upon the unrepresentative sample, less elegantly called the "stacked group." It may be assumed that the cross-sectional data can be obtained, but it is clear that present techniques of collaboration are inadequate.

The direct impact of the results of specialized study upon the community at large, while by no means negligible, is probably less than that upon public officials. And since political action in a democracy is conditioned by public opinion, our ablest statesmen are compelled to spend much of their time speeding up the learning process. When they fail, their policies may fail to win acceptance. Has the scholar no responsibility for the failure of policies related to his area of specialization which he believes should not fail? Can he keep to his sanctum and classroom while a storm rages in the forum? Confucius answered this question in three well-known replies to inquiring disciples.

In one of his replies, it is recalled that "Yang Huo (controller to the House of Chi) wanted to see Confucius, but Confucius would not go to see him, so he sent Confucius a present of a sucking pig. Confucius, timing his visit when the other would be out, went to tender his acknowledgments, but met him on the way. 'Come,' he said to Confucius, 'let me have a word with you. If a man,' he said, 'hide his talent in his bosom, and thus share in his country's misguidance, can he be called a lover of his fellow men?' 'He cannot,' was the reply. 'If a man who would like to take part in public affairs is continually losing his opportunity, can he be called wise?' 'He cannot,' was the reply. 'Days and months are passing by, the years do not wait for us.' 'That is so,' said Confucius, 'I will take office presently.' "[4]

Another response was occasioned by a disciple's report to Confucius that a disciple of Laotze had criticized him for "perching here and perching there." Confucius replied: "I cannot herd with birds and beasts, and if I may not associate with mankind with whom am I to associate? Did right rule prevail in the world, I should not be taking part in reforming it."[5] The third was to the same disciple when he questioned Confucius' acceptance of an invitation from Pi Hsi, an ill-reputed minister of Chin. Confucius replied: " . . . is it not said of the really hard that you may grind it and it will not grind down; also, is it not said of the really white, that you may dye it but it will not turn black? Am I indeed a bitter gourd? Must I, like it, be hung up and never eaten?"[6]

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[4] *The Analects of Confucius*, Soothill's translation, Vol. ix, Bk. xvii, Ch. 1.

Professor Thomas Masaryk, in his inaugural lecture at the London School of Slavonic Studies, in 1915, put the same idea in Western terms when he said: " . . . science is not to be regarded as something merely abstract and in the clouds; science means methodical and exact thought about everything within the range of human life. . . . The man of science does not give up his patriotism; but that patriotism cannot be blind or dumb; it must proclaim what he has found to be the truth."[7]

In books, articles, speeches, broadcasts and conversations, contemporary apostles of this doctrine apply it assiduously. What influence they have is not now ascertainable. Undoubtedly it is considerable. But if we may take as index the attention given by the newspapers and the radio to the work and opinions of social scientists, their direct impact upon the public mind is comparatively slight. This fact, if it be a fact, is important because it means that the average reader-listener is given no criterion upon which to base his own judgment of what he reads and hears. Since our citizenry proves, out of a generous purse, that it has a high regard for scholarship, it is reasonable to believe that much of the trivia now being printed, pictured and broadcast at costs per item that would pay a professor for a year, might be dispensed with in favor of more adequate reports of speeches and discussion, more and better reviews of books, and more informed columns and commentators, without risk to profits. One is impressed by the evident interest of the "kind hearts and gentle people" of his own home town in drawing him into conversations on issues in foreign relations.

It is not contended that public policy decisions are the province of scholars as such. As Guy Stanton Ford once phrased their usefulness: "I do not say that they should take the wheel. Their place is in the navigating room or at the pilot's side." If it be said that their delight in contradicting one another is more confusing than clarifying, the answer may be that the American people's prime weakness in foreign relations is impatience. We need to slow down, to reject the easy solution, to let decision wait upon a weighing of all discernible factors.

Closely seconding our impatience as a people is our tendency to ignore the point of view of another people, whether friend or enemy. Deeply convinced that our own intentions are good, we find it difficult to understand, or even to consider, the motivation of other peoples or their suspicion of our motives. Our weaknesses are rooted in inexperience. While experience is the remedy for inexperience, surely the gap can be partly filled by greater attention to the findings of those who have studied the experience of other peoples. It is my firm belief that our people want all the help they can get toward a balanced judgment in international relations.

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[5] *Ibid.*, Bk. xviii, Ch. 6.

[6] *Ibid.*, Bk. xvii, Ch. 7.

[7] R. W. Seton-Watson, *Masaryk in England* (Cambridge, 1943), pp. 135–136.

In his recent address at the inauguration of Chancellor McConnell of the University of Buffalo, President Morrill of the University of Minnesota said that "the basic business of universities is still learning; the advancement of science and scholarship its essential imperatives. Except as these infuse the campus and the wider community of the institution, its integrity depreciates, its influence declines." And he added "It is the potential of the usefulness of knowledge, of service to the community, that grips the imagination, the conscience and the commitment of the responsible head of the modern University." In stating these twin objectives, President Morrill recognized, by inference, the obligation upon administrative officers of institutions of learning to encourage and support the diffusion, as well as the acquisition, of knowledge. Reciprocal to this is the scholar's obligation to stick to his last and to express himself reasonably. Obviously there is need for mutual understanding and support between administrative officers and faculty members if democracy is to enjoy the benefits of its principles.

It may be suggested that there is a field for an area information service under scholarly auspices. Such a service might be welcomed by our media of communications. Administered objectively to provide rather than to interpret data, it could be a valuable educational instrument, a check upon other sources and a supplement to them. A second and separate procedure that might well be instituted is a regular opinion poll of qualified area specialists. Obviously the success of these methods would depend primarily upon public confidence in their freedom from prejudice.

To sum up: (1) Recent developments in the study of foreign areas are noteworthy, but curriculum-planning in our colleges and schools has not yet shown a cognizance of the importance of Asia. (2) Small as it is, our fund of area knowledge is larger than the awareness of its value that has been exhibited by political leaders and by media of communications. (3) Students of foreign areas have an obligation to the nation and the world to aid in every way possible to make their knowledge useful. (4) The American people want to know. (5) Finally, there is urgent need for a larger corps of specialists and for new techniques in the practical utilization of area knowledge.

REFLECTIONS ON STATE REORGANIZATIONS

JOHN A. PERKINS
University of Delaware

Never before in the long history of our state governments have there been so many studies of the structure of state administration under way at one time.[1] There are several reasons for the present concerted effort to improve state administrative organization. Some of the interest is related to recent special developments in present-day American government; but, in great part, the motivation is simply a continuation of the thinking that has been behind the administrative reorganization movement since its inception nearly half a century ago.

Many of the states that are now considering what should be done to overhaul the structure of their administration have been prompted to do so by the recent popularization of the administrative reorganization idea brought about by the Hoover Commission report and by public interest in it. The very association of the name of the ex-President with the reorganization movement gives it respectability among many conservative leaders in state government who might otherwise have stood apart from it, or, indeed, even opposed it.

It is also true that the present high level of federal taxation has made for an understandable reluctance to levy more taxes for state purposes to offset both threatened, and, in some instances, actual deficits now appearing in state budgets. Reserves accumulated in wartime are rapidly disappearing. Rather than load the taxpayer more, state officials are willing to consider altering the administrative *status quo*. This motivation for the improvement of state administration almost invariably brings to the fore the loosely used "efficiency and economy" slogan. In the past, embracing reorganization with this thought uppermost has resulted in disappointment: that either efficiency or economy has been enhanced has been difficult to prove. Yet whether the slogan suggests a reduction in the number of dollars spent for state government or greater efficiency, and hence economy, of both manpower and materials in achieving administrative objectives, the possibilities of the catchword attract many today.

Worthy as efficiency and economy may be as aims in government, however, it now seems clear that selling reorganization on the basis of cutting costs has dangers. Very little is known about what really inspires efficiency. The morale studies made by James C. Worthy within Sears-Roebuck and Company indicate that following the time-honored "principles" of so-called good administration may actually lower morale and productivity, especially where too much attention is given to the idea of limited span of control.[2] And if following the "principles" would bring about the good government that those who advocate them commonly assume, reorganization might actually have little to do with economy. The late Lent Upson, veteran of many reorganization efforts on the state and local levels of government, liked to point out, to the consternation of his tax-conscious friends, that better government seldom meant cheaper government. Good government, like good food, good clothes or any other quality article, is likely to cost more money. Because it is efficient, such government is apt to inspire added services. Well-organized administration often begets professional public servants who are not satisfied with either a low standard or a minimum level of public services.

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[1] Council of State Governments, *Reorganizing State Government; A Report on Administrative Management in the States and a Review of Recent Trends in Reorganization* (Chicago, 1950).

In the campaigns for adoption of reorganization plans, enthusiasts invariably make exaggerated claims for savings to follow. The professional student of government squirms but remains silent, for he knows that the efficiency and economy watchwords are raising expectations beyond reasonable prospects of fulfillment. His conscience is appeased by the thought that savings will result in the sense that dollars will be stretched further, even if it is not true that fewer of them will be needed. He knows that if he tried to play down the tax savings or to explain his understanding of the word "savings," he would seem to be joining the side of the skeptical critics of reorganization. But perhaps he is not so mindful as he should be that the claims of his non-professional campaign compatriots may be his to prove after reorganization has been effected.

Political responsibility and popular control of government are the best arguments for reorganization of the administrative branch of the state government. This is true today and has been true since the inception of the reorganization movement. The history of governments is replete with examples of the importance of fixed responsibility—but to make too much of the point might hinder rather than help achieve reorganization. The wisdom of playing down this reason for administrative reform is understandable. To do otherwise would first of all alienate legislative support of administrative reorganization, for strengthening the executive, even to hold him responsible, is not popular among the lawmakers. One of the fundamental facts about government in the several states, all of which are based on the separation of powers theory, is the ubiquitous and inherent jealousy that exists between the legislative and executive branches. The legislature shares responsibility for administration, yet has no very effective method of holding the governor elected directly by the people to an accountability. Professor Kirk Porter quite accurately interpreted the reaction of most legislators to administrative reorganization when he suggested that the legislators have a feeling that the government is getting away from them if the accepted principles of administrative reorganization are followed.[3]

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[2] See "Organizational Structure and Employee Morale," *American Sociological Review*, Vol. 15, pp. 169–179 (April, 1950).

[3] At a meeting of the Midwest Political Science Association, Ann Arbor, Michigan, May 22, 1950.

To emphasize gubernatorial responsibility for all of state administration in proposing reorganization, is also to incite the most intense opposition of pressure groups. These special interests by and large are very well satisfied that state government as such does not amount to much. A state government well integrated administratively, with the governor as its strong, responsible center and the chief executive controlled by the whole people, is not appealing to those people more interested in a particular service than in government itself. They are satisfied with the pluralistic hodgepodge of many "little governments" with their many functional jurisdictions operating within the geographic confines of the various states. Each "little government" roughly corresponds to a function, and the function quickly responds to a related, attentive pressure group. Each of these functional governments, such as exist for conservation, agriculture, health, highways and education, is virtually complete in itself. Each has at least administrative power, some have legislative power (except to provide their own organic acts), and others have not only these two, but also a large measure of judicial power. Such overall governmental control as has been imposed upon them is exerted sporadically by the legislature in the process of appropriation. However, the growing tendency to earmark state funds is weakening even this device making for "oneness." The situations in Michigan, where more than two-thirds of all taxes are earmarked, and in Colorado, where ninety per cent of them are tagged for special purposes—to mention only two states—illustrate a definite trend, as does the country-wide movement to earmark gasoline and weight taxes for highway purposes.

It may be that the best reason for administrative reorganization in the states, to effectuate more responsible administration and hence more responsible government, is one that becomes less appealing each year. Citizens seem to be increasingly more interested in the services of government than they are in the organization of it. They are more concerned to have things done for them than they are to limit and hold responsible those doing the job of government. The idea of a strong chief executive, with the responsibility which reorganization commonly seeks to provide, is more in keeping with the philosophy of limited government of one hundred and fifty years ago than it is with the so-called welfare, or service, state. (It is sometimes asked why, if at an earlier time there was more interest in administrative organization to provide accountability, the governments of the commonwealths did not provide for it at the outset. The best answer is that their experience under colonial governors was so much in mind that the early legislators thought it necessary to dominate both the executive and the judicial branches if the people were to rule.) Nevertheless, the very size and complexity of modern governments makes ascertainable responsibility of administration more essential.

One aspect of the *status quo* in state administration, however, must be kept in mind by those working for reorganization. It is that, taken function by function, the services of state government are more often than not carried on quite satisfactorily, in spite of their not being properly grouped and related to one another and to the chief executive. In Michigan, for example, several recognized experts, after studying such functions as conservation and state police for the present Michigan Joint Legislative Committee on Reorganization of State Government, have reported more reasons for pride than complaint. Intimate acquaintance with state administrative activities can dull the enthusiasm for reorganization of even a doctrinaire political scientist—a fact which might account for Professor Porter's skepticism toward programs of administrative reform in the states.[4]

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Unquestionably one of the basic difficulties of improving administrative responsibility in the commonwealths of the United States is the present duality of administrative responsibility—to the chief executive and to the legislature—felt by every department head. (This leaves aside for the moment the very real sense of responsibility every agency head feels to the clientele group related to his activity.) A department head inevitably feels accountable not only to the chief executive, but to the state legislature as well. This situation may cause difficulty enough when both branches of government are dominated by the same party. The position of a department head, particularly one who does not serve under a commission which provides a buffer, becomes almost untenable when the legislature is of one party and the chief executive of another; yet this is ever more frequently the case as the country becomes more urban and the legislatures continue to be dominated by farmers and small-town representatives. This situation emphasizes the anachronism created by adherence to the separation of powers theory, if it is administrative responsibility that is desired.

To endeavor to refashion the state administration by creating something akin to a state manager, appointed by the governor, without consideration of the relationship of the new official to the legislature, is administrative jerry-building which ignores a much tested maxim in administration—that no man can serve two masters. The legislature can be sold the idea of creating an official akin to a state manager, but only on the basis that it as well as the governor will then have someone to hold responsible, in an overall way, for state administration.[5] In doing so, legislators move under the compulsion of the intrinsic logic of the parliamentary system. The responsible officer, however, like a department head, will be in some difficulty almost at once. Even when both branches of the government are of the same political persuasion, party discipline is not strong enough in state government to give him a coordinated policy to administer for both the executive and legislative branches. When the two branches are of different parties, he cannot function at all as was intended. Once confirmed in office, the official actually becomes the governor's man, while the legislature feels deprived of the control of administration it once had, or thought it had, before the management agency was created. More likely than not there had been no control heretofore. But because the governor did not have it either, the legislature was not so aware of its own lack.

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[4] *Idem.*

[5] See John A. Perkins, "State Management Limited," *National Municipal Review*, Vol. 39, pp. 72–78 (Feb., 1950).

There is an unmistakable trend for the legislatures to give closer surveillance to administration, so close sometimes as to border on administration itself. Professor V. O. Key cites examples of the domination of administration by finance committees, particularly chairmen of finance committees.[6] Finance committee staffs headed by legislative controllers have been set up in California and Michigan. Surveillance of administration seems to be their chief business, and they wield their influence upon the budget when it is before the legislature. Legislative councils and interim committees also investigate administration with increasing frequency, with more in mind than new legislation. In some instances these developments are a reaction against the strengthening of the chief executive; in others they may be necessary because of a failure to staff and integrate administration around the governorship.

While the legislatures have been jealously guarding their control of administration against any reorganization movement that would strengthen the chief executive, their control of state government has been lost in fact through the development of the so-called "new federalism." Legislative power over administration has always been related to the power of the purse, and federal grants-in-aid are to be had pretty much on the terms of the federal government. The federal line departments insist on dealing "with a single state agency." That single agency is the administrative counterpart in the state of the federal department, and not the state legislature or even the chief executive of the state. Most of the department heads in state government are more concerned to live within the federal grants than they are to observe the policy of their two masters within the states. Consequently a little federal money often is of more influence within a state department than a lot of state money, although the latter may be the primary support of the agency's program. If legislators raise too many questions, invariably the response of the state agency head is, "We must do it this way, for the federal regulations specify, etc."

The new federalism has introduced a vertical structural element into our federal system that might once have been described as a horizontal, layer-cake structure. This change goes a long way toward vitiating the popular control of our several governments that the election of officers on the state and local levels of government has afforded. While the same state officers that were elected a generation ago are still elected, they have much less complete domination of the agencies of government they relate to because of the vertical relationship that has grown up between officials in related departments of the federal and state governments. These like-minded line departments make the rules to correspond to their professional preferences and enforce them with conditional money grants. A problem of keeping our democracy democratic has thus been created, but so far the reorganizers, federal as well as state, have neither studied it carefully nor recommended possible solutions for it. Such attention as was given by the Hoover Commission to federal-state relations was unfortunately superficial and limited. (Need it be mentioned at this point that there is a large element of interrelationship between politics and administration?) Yet the problem is major. That the electorate is losing any part of its control of public affairs through a device offsetting the power and influence of elective state and local officers seems highly undesirable, if not dangerous, for self-governing people in these days of big government. It is appropriate that we consider, therefore, how to improve state management and especially how to strengthen the governor, the official held responsible by the people for state administration.

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[6] V. O. Key, *Southern Politics* (New York, 1949), pp. 151 ff.

There are at least two widely different approaches to state reorganization. The first is the comprehensive, the second the piecemeal, approach. Michigan is not atypical in that during the last thirty years reorganization has three times been approached on a comprehensive basis. The Community Council Commission, created by the legislature of 1919, made the first administrative analysis of Michigan's government, but the legislature in 1921 fell far short of the far-reaching and rather drastic suggestions of the Commission's report. Five new departments united several services hitherto largely independent. Altogether forty-seven authorities were abolished or merged in departments and seventeen were created, a net reduction of thirty.[7] Proposals to achieve a short ballot by constitutional change were ignored by the legislature and never placed before the voters, and the idea of a post-audit was also disregarded.

In 1938 again, a Commission on Reform and Modernization of Government was created by Governor Frank Murphy. His failure to be re-elected ended the work of the commission, which had made a preliminary survey identifying the following eleven goals of general executive organization and management:

1. Appointment of presently elected department heads.
2. Lifting of constitutional limitations on compensation of elected officers.
3. Use of single administrators instead of boards and commissions as the heads of agencies.
4. Need to consolidate agencies into approximately fifteen large departments.
5. Creation of a governor's cabinet in the sense of the President's cabinet in the federal government.[8]
6. Strengthening of state civil service and personnel management.
7. Unification of tax collection into a single department of revenue.
8. Establishment of a department of finance comprising the functions of budgeting, accounting, controlling and purchasing under an officer responsible to the governor.
9. Staffing the governor's office with skilled and competent assistants to enable him to fulfill the requirements of his position.
10. Lengthening the governor's term to four years.
11. Providing an independent check on the executive branch by relieving the auditor general of administrative duties and empowering him to perform the post-audit function.

These reforms are enumerated here because they constitute virtually a catechism for reorganizers wherever they work. Michigan had all the problems, and study commissions, which were guided by the experts, and gave the usual answers.

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[7] H. M. Dorr, *Administrative Reorganization of State Government in Michigan, 1921–1936* (Bureau of Government, University of Michigan, 1936), p. 1.

[8] In Michigan and some other states there are administrative boards composed of elected officials which are loosely referred to as the governor's cabinet or team. They are not subordinates of the chief executive but are in reality his competitors, even exercising part of his executive authority. See John A. Perkins, *loc. cit.*

There are sporadic complaints that these remedies have no scientific validity, have been too easily accepted, and are outside the realm of practicality. The dissatisfaction is easily understood and shared; but until something better is produced by the critics, the eleven points enumerated are likely to be considered bench marks of progress by those working for the improvement of administration in the several commonwealths. Perhaps the most legitimate source of complaint against these principles of reorganization was the rather automatic way in which they were applied in earlier comprehensive studies. Traveling teams of paid experts descended upon a state government to study it briefly, invariably found the same things wrong, and offered the same solutions. Unfortunately, the process did not succeed in convincing those people who knew the historical background of administration in the state; yet support of these local citizens was needed if any change were to be made after the experts had departed.

Reorganization studies now in progress will undoubtedly be concerned with many of the traditional concepts of reorganization, but changes in methodology should make for recommendations more suited to the needs and traditions of the individual states. The staff work on reorganization in many states is being done by legislative councils, budget offices, private research bureaus and university faculties whose experts are thoroughly acquainted with the existing organization of the state and with the attitudes of the legislature, pressure groups and people of the state. Michigan, for example, is undertaking its third comprehensive, episodic approach to reorganization, with the Detroit Bureau of Governmental Research acting as staff director and coordinating staff studies that are made by the several groups mentioned above. That such extensive professional staffing is possible in many states indicates the growth of the profession of public administration in the last generation, as well as the wide knowledge of its body of information.

This method of staffing comprehensive reorganization studies should blend the advantages of the episodic approach to reorganization with the advantages of the piecemeal approach. When a comprehensive review is made of state administration, public attention is focused on the problem. The support that may be developed for the general idea should help to overcome the opposition of the special interests—although it may serve to rally the special groups, too, and cause them to combine to defeat efforts to restructure administration. If the whole government is studied at one time, a consistent pattern of administration can be developed. Even if the comprehensive reorganization study plans are not adopted at once, they provide a map for future steps when propitious occasions arise to make particular piecemeal changes.

These advantages have not always existed. What was recommended in the earlier reorganization reports that are on the shelf gathering dust, few people know except those involved in them at the time they were made; and they, as peripatetic experts, are no longer on the scene. The studies under way today are bound to be dusted off more frequently because the staff members preparing them are part of the state governments, or virtually so. Their present work will be a ready reference for them at any time that seems propitious to do something about a particular problem studied.

The piecemeal approach to reorganization has always had as one of its advantages that it may actually bring about a structural improvement when the circumstances are promising. A political scandal, mismanagement or a pressing problem may flush out bad organization and make the need for change obvious. However, such reorganization may be hurriedly planned, without careful study and with no reference to a general philosophy or concept of overall organization. The reorganization in such circumstances too often is drawn to meet the wishes of a clientele group with which the activity is affiliated. Thus although piecemeal reorganization should scatter the opposition of a special interest group, more often than not a special interest dominates the change because of the lack of consideration for an overall pattern of administration.

When reorganization studies are made of individual functions, however, the material justifying the specific change is often more detailed and better presented than when the same subject is studied as part of a comprehensive review. The staff personnel now at work in the states on comprehensive, episodic reorganization studies are very likely to be subsequently involved in piecemeal changes; thus, the advantages of the two basic approaches to reorganization should be coordinated as they never have been before.

In the twelve years that have intervened since the Commission on Modernization and Reform in Michigan delineated its eleven goals, some reorganization has been accomplished in six instances. While this gives a real sense of achievement to those professionally interested, there is no question but that the total pattern of state government would be better than it now is if there had been a master administrative plan promoted by a staff in continuous residence.

Important as staff is, it is probably secondary to leadership to effectuate administrative changes. Wherever state reorganization has made any unusual forward strides, there has been dynamic leadership of the caliber furnished by Al Smith in New York a generation ago and by Governor Driscoll of New Jersey today. It is unlikely that sufficient political or civic leadership exists in all the states where reorganization studies are now being made. Where there is capable leadership, it is to be hoped that the leader in public office, will have time not only to put his reforms across, but also to demonstrate their advantages before the next election is upon him. The battle for the reforms may cost him his office if there is insufficient time for tempers to cool. This fact makes the four-year term for the governor a first objective in a reorganization movement in a state where the term is two years.

Mention of the importance of leadership prompts the suggestion that egoism (personality), time and space are three factors in administration that cannot be overlooked in any discussion of reorganization. In Michigan it was necessary to wait twenty-eight years for personalities in the Auditor General's office to change for a recommendation of 1920 to make that officer a post-auditor and not the state's bookkeeper, to be adopted. It will be only over the dead body of the chairman that the Mackinac Island State Park Commission will be consolidated with related functions. This can be said with assurance, for he is dean of Michigan's professional lobbyists and the Island is his hobby.

It has already been noted that the interest in reorganization at the present time is owing in part to the financial situation in the states. A specific example of the significance of time and its importance in reorganization can be cited from Michigan's experience. In 1944 it was proposed to consolidate license-issuing functions in the Wolverine state, and a saving of $200,000 was confidently promised. At that date this state, like so many others, was accumulating huge surpluses; therefore the need to make this considerable saving was not pressing enough to offset the antagonism to such a step. Today the Michigan legislature, facing a deficit of many millions, might decide to ignore the pressure put upon it by the professional groups. The importance of timing can be illustrated in still another experience of the same state. In 1947 the Corrections Commission resigned in a huff amidst investigations and staff scandals. It was a good time to establish a single commissioner as head of a department with functions that are essentially administrative and in which quick decisions and personal responsibility are nearly as important as in a military organization.

Hardly less important than egoism and timing is the consideration of space in bringing about efficient organization. Robert S. Ford, director of the Department of Business Administration, a short-lived agency dedicated to the improvement of organization and management in Michigan, was compelled to declare that "The possibilities for immediate consolidation are somewhat restricted because of insufficient floor space in state-owned buildings." He stated an important point with too little emphasis. It would be hard to calculate the deleterious influence that monumental nineteenth century state capitols, more like museums than places of business, have exerted on efficient organization of existing agencies. These buildings have doubtless even inhibited thinking about new organizational arrangements.

The fact that the state capitol in Michigan can house only the governor and the other elected state officers, and none of the modern administrative functionaries of state government, makes it hard to visualize shortening the ballot and installing in the sacrosanct quarters of the capitol the appointive heads of newer and often more vital state departments. Furthermore, proximity is an important factor in establishing executive control, especially if there is a tradition of administrative independence on the part of subordinates that is to be overcome. Proximity is important not only as it relates to the governor and his department heads, but also as it relates to the department head and those he supervises, such as his bureau heads. Departmental consolidations may be mere paper ones, with opportunities for elimination of duplicating activities missed, if the activities joined in the statutes are not brought into physical proximity. It would be helpful if there were available some before-and-after studies, such as would have been possible in Vermont, where state offices were widely scattered in vacant houses and store buildings until they were brought together recently in a handsome new office building. The ideal circumstance would arise if new office accommodations could be planned as a part of the administrative planning process.

The past history of reorganization movements causes all those familiar with them to be sanguine but not too expectant concerning the immediate outcome of the present efforts. They will have been worth their cost if they serve to keep tolerable standards of modern administration before the governor and the legislature. It would be a long step ahead if these policy branches of state government were to come to understand that the demands for economy would be more genuinely met if attention were given to better-financed staff agencies to study procedure analysis, better work flow and efficient use of space, than if "economy" were practiced on the service and control agencies, which have no pressure groups supporting them. The studies will have been worthwhile if they serve to strengthen departments of civil service, budget, financial administration and post audit, and to stimulate professional students of administration to use more scientific methods, less dependent upon hypothesis, in the study of their subject.

Assuredly these studies will not accomplish the hoped for results if they do not go beyond the immediate consideration of the administrative branch itself. To explore the direct relationship of the shortcomings of American legislatures to the present administrative chaos in the states would constitute an essay in itself. Annual sessions might well bring a greater understanding of the administrative process. The administration of the states might be better understood, and hence improved, by the legislatures if the latter were reapportioned so that the people served by the several state departments were represented according to their urban distribution. Perhaps comprehensive studies of administration have not heretofore been comprehensive enough.

MEASUREMENT OF LATIN-AMERICAN POLITICAL PHENOMENA: A STATISTICAL EXPERIMENT*

RUSSELL H. FITZGIBBON

University of California (Los Angeles)

Polling techniques in the United States, by no means perfect as yet, have obviously been greatly improved since the ill-fated *Literary Digest* poll of 1936. So far the as writer is aware, however, the device of the public opinion poll as it is best known here has not been widely employed in Latin American countries. To attempt to use this device to assess detailed political phenomena in Latin America by determining general public opinion in the United States, even by carefully controlled sampling techniques, would, of course, be of little utility or validity because of the wide lack of relevant information in this country; but the polling of *informed* opinion in this country would seem to have some advantages and significance. In particular, such a poll represents an attempt to secure a detached and presumably impartial opinion, although perhaps based upon less knowledge of detail than would be available in Latin America itself. It also necessarily deals with the problem of reducing political phenomena to their essential components in order to make assessment valid and, indeed, possible.

In the belief that a limited poll of specialists would provide data and permit conclusions of significance, the writer undertook in 1945 to establish a system to measure roughly the democratic attainment of the twenty Latin American states. The same measurement was repeated, under as nearly identical conditions as possible, in 1950.

It was necessary initially to establish the bases on which the several Latin-American states were to be judged, inasmuch as it would be patently pointless simply to ask specialists, "How democratic do you consider state X?" In other words, it was necessary to consider what elements contribute to a measurement of democratic achievement in any state, but with particular reference to the Latin-American states. The following fifteen criteria finally evolved:

1. "An educational level sufficient to give the political processes some substance and vitality.
2. "A fairly adequate standard of living.
3. "A sense of internal unity and national cohesion.
4. "Belief by the people in their individual political dignity and maturity.
5. "Absence of foreign domination.
6. "Freedom of the press, speech, assembly, radio, etc.
7. "Free elections—honestly counted votes.

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* For advice and assistance in connection with the statistical problems presented by the survey discussed in this paper, the writer is indebted to Dr. Paul G. Hoel, professor of mathematics at the University of California (Los Angeles).

8. "Freedom of party organization; genuine and effective party opposition in the legislature; legislative scrutiny of the executive branch.

9. "An independent judiciary—respect for its decisions.

10. "Public awareness of the collection and expenditure of governmental funds.

11. "Intelligent attitude toward social legislation—the vitality of such legislation as applied.

12. "Civilian supremacy over the military.

13. "Reasonable freedom of political life from the impact of ecclesiastical controls.

14. "Attitude toward and development of technical and scientific governmental administration.

15. "Intelligent and sympathetic administration of whatever local self-government prevails."

Brief paragraphs of analysis and explanation supplemented each of the criteria in order that the semantic reactions of those being polled might be as nearly uniform as possible. A scoring sheet was also devised with individual squares for the evaluation of each state on each criterion—three hundred in all (twenty states on fifteen criteria each).

The writer then selected ten persons (in as many educational institutions) who might fairly be regarded as specialists with a major, if not a primary, interest in Latin-American governments and politics. An almost uniform reaction of these specialists, both in the polls of 1945 and of 1950, was to disclaim competence to judge all countries on all points; but it would have been difficult to find a better qualified composite panel of similar size. Those participating in the poll in 1945 included Professors Samuel Flagg Bemis of Yale University, Clarence H. Haring of Harvard University, Hubert C. Herring of Pomona College, Austin F. Macdonald of the University of California (Berkeley), J. Lloyd Mecham of the University of Texas, Dana G. Munro of Princeton University, William S. Stokes of the University of Wisconsin, Graham H. Stuart of Stanford University, Arthur P. Whitaker of the University of Pennsylvania, and the writer. Professor Haring did not participate in the poll in 1950 and was replaced by Professor George I. Blanksten of Northwestern University. For the 1950 poll Professor Stuart enlisted the aid of certain colleagues at Stanford University to formulate a composite opinion, so that the judgments nominally credited to him in that poll are not exclusively his own. Consequently, in making certain comparisons between the polls of the two years, it seemed statistically more accurate to omit the scores of the Haring-Blanksten and the Stuart-Stanford pairings.

Each of the participants was asked individually to "grade" the several states on each criterion in the academically familiar terms of A, B, C, D, or E. The five letters were prescribed as representing, respectively, excellent, good, average, poor, and insignificant achievement on the particular point. The fifteen criteria were weighted according to their presumed importance, numbers 1, 2, 3, 4, 5, 9, 10, 11, 14, and 15 being given a weighting of one; 6, 8, and 12 a weighting of one and one-half; 7 a weighting of two; and 13 (now partially of only historical importance) a weighting of one-half. A grade of A was evaluated numerically by five points, one of B by four points, and so on to one point for E. The maximum variation in the grading of one state by different individuals, taking into account the weighting of the criteria, could thus be from a low score of seventeen to a high one of eighty-five; the lowest score would be received only in the unlikely event that a state was given grades of E on all criteria and the highest score in the equally improbable event of uniform grades of A on all fifteen judgments. Totals for the ten participants would of course vary between 170 and 850 points per country.

Calculation of the original or "raw" total scores was merely a matter of arithmetic. The results of the polls of 1945 and 1950 were as follows:

TABLE I

	1945		1950	
	Points	Rank	Points	Rank
Argentina	628	5	536	8
Bolivia	308	18	334	17
Brazil	481½	11	605	5
Chile	712½	3	732½	2
Colombia	683½	4	597½	6
Costa Rica	730	2	702½	3
Cuba	590½	6	659	4
Dominican Republic	301	19	320½	19
Ecuador	379½	14	474	9
El Salvador	411½	13	424	14
Guatemala	416	12	472½	10
Haiti	330½	16	329	18
Honduras	328	17	379	15
Mexico	545½	7	569½	7
Nicaragua	345½	15	354	16
Panama	528	8	471	11
Paraguay	289	20	293½	20
Peru	494	10	428	13
Uruguay	772	1	788½	1
Venezuela	504	9	451	12

It was obvious that individual differences of overall attitude caused great variations in the total of points assigned to all countries by different panel participants. The minimum number of points given by a single individual to all countries in the 1945 poll was 750 and the maximum 1,229½; the range in the 1950 poll was from 798 to 1,184. Because such wide variations from a norm might invalidate the results obtained, it seemed desirable to adjust, or normalize, the points given by each person to each country. This was done on a basis of 1,000 points per person. The result, of course, was a change in the totals for each country, although there was no change in the relative rank of the several countries. The adjusted scores, omitting fractions, were as follows:

TABLE II

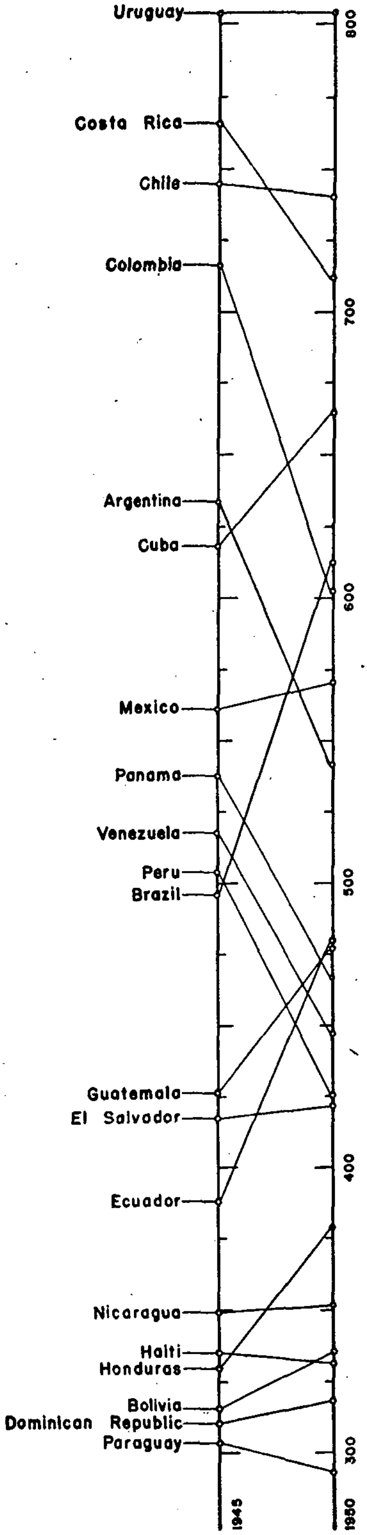
	1945			1950		
	Points	Percentage	Rank	Points	Percentage	Rank
Argentina	634	(68.2)	5	542	(54.7)	8
Bolivia	315	(21.3)	18	335	(24.2)	17
Brazil	495	(46.3)	11	612	(65.0)	5
Chile	745	(84.6)	3	740	(83.8)	2
Colombia	718	(80.6)	4	602	(63.5)	6
Costa Rica	765	(87.5)	2	713	(79.9)	3
Cuba	619	(66.0)	6	667	(73.1)	4
Dominican Republic	310	(20.6)	19	318	(21.8)	19
Ecuador	387	(31.9)	14	479	(44.8)	9
El Salvador	417	(36.3)	13	422	(37.1)	14
Guatemala	426	(37.6)	12	478	(44.6)	10
Haiti	336	(24.4)	16	331	(23.7)	18
Honduras	331	(23.7)	17	378	(30.6)	15
Mexico	562	(57.6)	7	570	(58.8)	7
Nicaragua	349	(26.3)	15	351	(26.6)	16
Panama	537	(54.0)	8	468	(43.8)	11
Paraguay	304	(19.7)	20	293	(18.1)	20
Peru	505	(49.2)	10	425	(37.5)	13
Uruguay	804	(93.3)	1	804	(93.3)	1
Venezuela	518	(51.2)	9	448	(40.9)	12

These adjusted scores are statistically more valid as a basis for drawing conclusions, even though they present in the cases of Chile and Paraguay the seeming anomaly of a reversal, as between the "raw" and adjusted scores, from an upward to a downward trend between 1945 and 1950.

If the minimum possible score for a country (170 points) is assigned a percentage valuation of zero and the maximum score (850 points) a valuation of one hundred per cent, it is possible to arrive at percentages, as indicated in parentheses in Table II, representing democratic achievement and, when the two years are compared, progress or regression. It must be stressed that such figures are not percentages of a perfect democracy but only of the maximum grade obtainable on this poll. Obviously no mathematical accuracy can be imputed to these measurements. The determination of percentages is merely a statistical projection of other data which is as valid or invalid as those data on which it is based, and the participants in the polls would be the first to disclaim infallibility of judgment.

The position and shift of each country in the two polls is shown graphically, by adjusted scoring, in the following figure.

Both relative and absolute changes of position between 1945 and 1950 are of interest and have significance. The countries showing the greatest relative change were Argentina, Panama, Peru, and Venezuela, each of which declined three places in rank during the five-year period, and Ecuador and Brazil, which gained, respectively, five and six places between 1945 and 1950. Shifts



might be accounted for by either a more jaundiced or a more roseate view taken by poll participants or, on the other hand, by actual changes in political conditions in the several countries. The first of those possible explanations cannot be gauged. The second can be at least partially confirmed by a glance at the annals of the half-decade.

During the five years, Argentina came far more openly under the domination of General Perón; free speech, press, and elections all declined into a questionable status. Panama fell back under the control of President Arnulfo Arias, who had been ousted in 1941 as an alleged pro-Nazi and whose regime since returning to power late in 1949 had given no encouragement to democratic forces. Peru and Venezuela, states which had made commendable political progress early in the half-decade, both came under harsh military dictatorships late in 1948. Ecuador, on the other hand, conducted a clearly honest and closely contested presidential election in 1948 and has since shown various democratic tendencies. Brazil has made notable progress toward democracy since the end of the fifteen-year Vargas dictatorship late in 1945, including in that progress such important elements as free presidential elections in December, 1945, a new and democratic constitution in 1946, and a vigorous and open presidential campaign in 1950.

Because of the tendency toward bunching, the relative changes in position are of less significance, however, than the absolute changes. On the latter basis, the greatest shifts were shown by Brazil, which gained 18.7 per cent, and by Colombia, which declined 17.3 per cent. The situation in Colombia has been marked through the five-year period by such developments as a change of party control in 1946; the assassination of the Liberal party leader, Dr. Jorge Gaitán, in April, 1948, during the sessions of the Ninth Inter-American Conference; increasing charges of political repression after that date; and a bitterly fought presidential campaign in 1949.

It is possible to get a rough clue to the total democratic gain or loss in Latin America by referring momentarily to the "raw" scores. The total of points given all countries by all participants was 9,763½ in 1945 and 9,943 in 1950; and if only those participants are included who repeated judgments on the same basis in the two polls, the totals are 7,553 in 1945 and 7,987 in 1950. Barring the effect of a possibly greater "mellowness" on the part of those balloting as the years passed, the modest changes since 1945 indicate that the overall position of democracy in Latin America has improved slightly in five years.

A further pertinent inquiry might seek to determine which aspects of democracy have shown the most encouraging improvement over the five-year period. To get a tentative answer, it is necessary to analyze the data not by countries but rather by criteria. Totals for all participants are as follows:

TABLE III

	1945		1950		Gain or loss
	Points	Rank	Points	Rank	(Points)
1. (educational level)	521	15	586	6	+65
2. (standard of living)	525	13	563	11	+38
3. (internal unity)	623	4	639	3	+16
4. (political maturity)	561	8	576	8	+15
5. (lack of foreign domination)	659	2	669	2	+10
6. (freedom of speech, etc.)	650	3	609	5	−41
7. (free elections)	552	9	538	15	−14
8. (free party organization)	546	10	548	14	+ 2
9. (independent judiciary)	574	5	581	7	+ 7
10. (governmental funds)	523	14	552	12	+29
11. (social legislation)	562	7	622	4	+60
12. (civilian supremacy)	567	6	568	10	+ 1
13. (ecclesiastical freedom)	732	1	717	1	−15
14. (governmental administration)	539	12	569	9	+30
15. (local government)	542	11	551	13	+ 9

Such a ranking presumptively means that in 1945 the panel participants considered, in general, that ecclesiastical factors no longer were likely to play a major role which might retard democratic development (no. 13); that there was a relative absence of foreign domination (no. 5) which might invalidate growth of democracy (the United States had essentially ended its Middle American protectorates, though Argentina was beginning to extend its shadow over neighboring countries); that, on the whole, free political expression (no. 6) existed. On the other hand, the composite feeling was that the educational level (no. 1) was deplorably low; that handling of governmental funds (no. 10) left much to be desired; and that the standard of living (no. 2) was bad.

Changes of rank in 1950 were numerous and in some instances were, on a relative basis, surprising. Again, however, because of the close bunching of scores, relative shifts are of less significance than absolute changes. Some of the latter are so small as to be meaningless, but it is interesting that the collective feeling of the panel was that conditions had improved by 1950 with respect to twelve of the criteria and had deteriorated with respect to only three. Conditions were held to have shown the greatest improvement in the educational level (e.g., the spectacular "each one teach one" literacy campaign in Mexico and similar efforts elsewhere) and in social legislation (which has received a remarkable impetus in many Latin-American states in recent years). The general standard of living was thought to be significantly better and the operation of governmental administration and the handling of public funds were considered notably improved. The greatest deterioration was seen in the status of free speech, press, radio, etc. (witness developments in Argentina, Colombia, Peru, Venezuela, and other countries), while the panel also was skeptical as to the freedom of elections in 1950. Curiously enough—and it perhaps footnotes the fallibility of human judgment—the freedom of party organization was collectively thought to have shown an infinitesimal improvement by 1950. Although ecclesiastical impingement was still considered unimportant in 1950, the general situation was held to have worsened (especially in Argentina and Colombia).

Far from laying claim to mathematical certainty, the results of this experiment show that it was frankly a pioneering venture and undoubtedly subject to all of the reservations and qualifications to be attached to polls in general. There is never a guarantee that all "specialists" will be like-minded. Indeed, wide differences in judgments were evident among those participating in this survey. Of six hundred possible opportunities for complete agreement among the ten persons in each poll, such agreement was found in only two instances: the ten were unanimous in 1950 in believing that freedom of elections should be graded E in the Dominican Republic and that Cuba deserved a B grade with regard to civilian supremacy over the military. Otherwise, the opinions of the ten could, and frequently did, run the whole gamut from A to E on any given criterion for any country. Uruguay, Costa Rica, and Chile received no grades of E in either poll; Bolivia alone got no votes of A on any point in either year.

The validity of conclusions to be drawn from the survey obviously varies in direct proportion to the breadth or narrowness of the conclusion. In matters of fineness extreme caution is necessary; in the larger aspects, interpretation is safer. Thus, of the six states which lead the lists in democratic development in both 1945 and 1950, five (Chile, Colombia, Costa Rica, Cuba, and Uruguay) are repeaters. The half dozen at the bottom (Bolivia, the Dominican Republic, Haiti, Honduras, Nicaragua, and Paraguay) are identical in both years, though the order varies. It would seem reasonably accurate, then, and a conclusion with some statistical foundation, to speak of a top group, a middle group, and a bottom group of democratic states in Latin America. Beyond that point the limitations and the risks of such an approach and such a technique are immediately apparent.

NEWS AND NOTES

PROFESSIONAL CONFERENCES AND INSTITUTES

The third annual conference of the Japanese Political Science Association (Nihon Seiji Gakkai) was held at Dōshisha University, Kyōto, on November 3, 1950. The conference was devoted to analysis and discussion of the concept of political liberty. Harada Kō of Chūō University presented a paper on the recent history of the concept, and Okamoto Seiichi of Dōshisha University presented a paper in which current interpretations of the concept were analyzed. Both papers were followed by extensive general discussion. At the conference business session, the president of the Association, Nambara Shigeru of Tōkyō University, was requested to investigate the possibility of Japanese membership in the recently organized International Political Science Association.

The Japanese Political Science Association was founded in Tōkyō in 1948. The teaching of political science in the full American sense is largely a postwar development in Japan, although the disciplines of private, constitutional, administrative and international law, and political theory, have had long and illustrious traditions in Japanese universities. Since World War II, curricula have been expanded to embrace the general approach as well as most of the offerings of departments of political science in American universities. These new developments have in general been well received by the profession, and the founding of the Japanese Political Science Association marks the recognition of a commonality of interests among teachers of the expanded curricula. The present membership of the Association totals 182 persons, and represents the faculties of all major Japanese universities.

The Japanese Society for Public Administration (Nihon Gyōsei Gakkai) is another professional association which has recently been organized in Japan. The inaugural meeting of this Society was held in Osaka on November 4, 1950. A constitution and by-laws were adopted by an assemblage consisting of sixty to seventy teachers of public administration and public officials. Royama Masamichi, formerly of Tōkyō University and widely regarded as the inaugurator of the study of public administration in Japan, was elected president. The total membership of the Society is 181. Formal papers were presented at the inaugural meeting by Professors Tsuji Kiyoaki, Kasuya Takao, Yoshitomi Shigeo and Nagano Shirō. The papers, respectively, dealt with the methodology of administrative research, problems of the personnel bureau, the distribution of functions between central and local agencies, and problems of local autonomy.—ROBERT E. WARD.

Forty-seven Europeans from thirteen countries participated in a session of the Salzburg Seminar in American Studies at Schloss Leopoldskron, Salzburg, Austria, during February, 1951. The session was devoted to the study of international politics, with Hans J. Morgenthau of the University of Chicago and Graham H. Stuart of Stanford University serving as faculty members. They were assisted by Curtis Farrar, Fulbright fellow at the London School of

Economics, and Eleanor Farrar of the School of Advanced International Studies in Washington, D. C. The "students" included foreign office officials, journalists, and university professors. One result of the month's session is a projected periodical on international politics, to be edited by a German and a Danish participant in the session. The Salzburg Seminar operates a year-round program at Schloss Leopoldskron and is supported by private contributions. Its office in the United States is in Phillips Brooks House, Cambridge, Massachusetts.

Round tables of the International Institute of Administrative Sciences were conducted this year in both Nice, France, and Monaco, Italy. Sessions were held in Nice from May 24 to May 27, and in Monaco from May 27 to May 30. The principal topics for discussion were the teaching of administrative law and administrative sciences, and the constitutional court. In the discussions having to do with teaching, the member sections were particularly concerned with indicating the various establishments where the administrative sciences are taught, with the content of the courses offered, and with teaching methods followed, together with an appraisal of the instruction given. There was also a series of sessions sponsored by the Institute's committee on administrative practice.

The ninth International Management Congress will be held in Brussels, Belgium, July 5–11, 1951. This Congress is intended to provide an opportunity for member associations to acquaint themselves with recent developments in the theory and practice of scientific management. Although the sessions to be held in Brussels will be largely devoted to industrial management, one session will be devoted entirely to public administration.

The American Society for Public Administration held its conference for 1951 in Washington, D. C., March 9–11. The program focused attention on a series of subjects in the general area of public administration, although special emphasis was given to administrative problems arising out of the national defense mobilization effort. The conference was addressed by Frederick J. Lawton, director, United States Bureau of the Budget, and by James E. Webb, United States undersecretary of state. The latter spoke on "Administrative Aspects of Foreign Affairs." Officers elected by the Society for 1951–52 include John M. Gaus of Harvard University, president; and L. P. Cookingham, city manager of Kansas City, Missouri, vice-president.

Problems relating to national defense have been a topic of discussion at recent meetings of the Washington Chapter of the American Political Science Association. The January meeting of the Chapter was addressed by Peter H. Odegard, president of the American Political Science Association, on "The Meaning of National Defense," while the February meeting was addressed by Harold D. Lasswell of Yale University on "Mobilizing Public Opinion for National Defense." The two meetings were attended by Japanese political scientists and public officials who have recently been in the United States. A guest of honor at the February meeting was Royama Masamichi, president of the Japanese Society for Public Administration.

A meeting of the Chicago area members of the American Political Science Association was held at the University of Chicago on March 16. The meeting was addressed by Walter V. Schaefer, chairman of the "Little Hoover Commission" of the State of Illinois, who presented a summary of the Commission's recommendations for the improvement of the administrative branch of the government of Illinois.

The fourth annual meeting of the Pacific Northwest Political Science Association was held at the University of Oregon, Eugene, Oregon, April 21–22, 1951. Approximately eighty members of the Association, representing institutions in Washington, Oregon, Idaho, Utah, and California, attended the meeting. The program included round tables on current problems of state government in the Pacific Northwest, the foundations of and limits upon civil liberties, the Point Four program and reconstruction in southern and eastern Asia, and the effect of defense mobilization on national politics and administration. In addition, the meeting was addressed by Hubertus J. van Mook of the University of California on "A New Approach to Asia," and by Julian Towster of the University of California on "The Strategy of the Soviet Nationality Policy." Officers of the Association who were elected at the meeting are: president, Chester C. Maxey of Whitman College; vice-president, Paul Beckett of the State College of Washington; secretary-treasurer, John R. Cunningham of Whitman College; members of the Executive Council, Nora B. Cummins of the Western Washington College of Education, Kline R. Swygard of Oregon State College, and George A. Shipman of the University of Washington. The Executive Council has selected Washington State College as the place for the meeting of the Association to be held in the spring of 1952.

The Midwest Conference of Political Scientists held its ninth annual meeting May 4–6, 1951, at the University of Minnesota, with a registered attendance of 156. Round table discussions were held on these topics: "Where Do We Stand in the Far East?" "Where is Sovereignty in Western Europe?" "The Problem of Political Awareness," "Problems of Mobilization—1951," "Toward a More Responsible Two-Party System—The APSA Report and Grass Roots Politics," "Europe and American Security: What Should We Defend? How?" and "Government Approaches to Water Resource Development." A general session of the meeting was devoted to the problem of loyalty and loyalty oaths. Also featured on the program were addresses by Carroll Binder, editorial editor of the Minneapolis *Tribune*, and Peter H. Odegard, president of the American Political Science Association. The former spoke on the topic, "An Editor Speaks His Mind about the World Crisis," while the latter, who represented the American Political Science Association at the meeting, discussed "The Status of Political Science." Officers elected at the meeting include: Harold Vinacke of the University of Cincinnati, president; John Stoner of Indiana University, vice president; and Laverne Burchfield of the Public Administration Service and Richard Spencer of Coe College, members of the Executive Council. The 1952 meeting of the Conference will be held at the University of Notre Dame on Thursday, Friday and Saturday, April 4–6.

The Social Science Section of the Ohio College Association held its conference for 1951 at Kenyon College March 30–31. The conference was addressed by Charles H. Wilson, fellow and vice-president of Corpus Christi College, Oxford University, and by Carl T. Arlt of Oberlin College. The latter spoke on economic aspects of national health insurance. The program also included a series of six panel discussions on topics in the fields of political science and economics, as well as a progress report by a committee on state constitutional revision in Ohio. The membership of the Social Science Section consists of political scientists and economists of Ohio. The president for 1950–51 was Wilfred E. Binkley of Ohio Northern University, while officers elected for 1951–52 are: Lloyd A. Helms of Bowling Green State University, president; Harvey Mansfield of Ohio State University, vice-president; and Mona Fletcher of Kent State University, secretary-treasurer.

The Bureau of Government in the Extension Division of the University of Wisconsin has arranged during the past several months special training schools on the University campus for the following groups of state and local officials: city and village attorneys, public librarians, county treasurers, county clerks, county registrars of deeds, county traffic enforcement officers, county board chairmen, vice-chairmen, and supervisors. The school for public librarians, the Institute of Library Management, was conducted in cooperation with the Wisconsin Free Library Commission and the University's Library School.

The Bureau of Government Research and the University Extension of the University of Kansas have jointly sponsored a series of special training schools for local government officials during the academic year 1950–51. These included a school for city clerks on November 16 and 17, 1950, a school for county clerks on February 8 and 9, 1951, and a school for city managers on April 25–28, 1951. The school for city managers was the fourth such school sponsored at the University during the past several years.

Michigan State College will conduct its sixth annual forum in state and local government July 9–27, 1951. The announced purpose of the forum, formerly called the "summer workshop," is to afford teachers and students of the social studies an opportunity to secure firsthand information about state and local government in Michigan. As in the past, the participants will include state and local officials, as well as college and university professors.

The fifth Annual Institute for Teachers of Government and Administration was held in Washington, D. C., June 10–23, 1951, under the joint sponsorship of the American University and the American Political Science Association. The program, arranged in accordance with the general pattern of previous years' programs, was offered to provide an opportunity for teachers of government and administration to confer with national leaders and to explore resources of the nation's capital which might contribute to the enrichment of political science teaching and research. Co-directors of the Institute were Lowell H. Hattery and James J. Robbins, both of the American University.

OTHER ACTIVITIES

The Public Administration Clearing House announced in February the opening of an office in New York City, the principal purpose of which will be to serve the expanded program of the Clearing House in international administration. The office is under the supervision of Rowland Egger, associate director, and is located at 45 East 65th Street, New York 21, New York.

A mansion donated to the University of Pennsylvania by the late Samuel S. Fels was recently designated as the Fels Center of Local and State Government. Adjacent to the University campus, the Center will house the research, consulting and teaching activities of the Institute of Local and State Government of the University, and will also serve as conference headquarters for public officials.

A field investigation of university and college courses in which students are trained for active participation in politics was begun early in 1951 by the Citizenship Clearing House, an affiliate of the Law Center of New York University. The investigation, made possible by a grant from the Maurice and Laura Falk Foundation of Pittsburgh, is expected to lead to the preparation of a syllabus for introductory courses in American government. Mr. and Mrs. Thomas H. Reed, of Wethersfield, Connecticut, are conducting the investigation for the Citizenship Clearing House.

A course entitled "Administration and Management in the Federal Government," and consisting of a series of lectures by federal officials, was offered by the School of Public Administration of Florida State University during the spring semester of 1951. Federal officials serving as lecturers in the course were: W. Brooke Graves, chief, Government Section, Legislative Reference Service, Library of Congress; Francis P. Brassor, chief of administrative services, Civil Service Commission; William R. Divine, chief of management appraisal group, Bureau of the Budget; Henry F. Hubbard, executive vice-chairman, Federal Personnel Council; O. Glenn Stahl, director of personnel, Federal Security Agency; J. Otis Garber, chief of field service, Bureau of the Budget; Arthur J. Waterman, Jr., training officer, Foreign Service Institute, Department of State; and John D. Young, assistant to the administrator, Civil Defense Administration.

At the request of Governor Walter Kohler of Wisconsin, the Bureau of Goverment in the Extension Division of the state university has arranged for visitors with combined government experience and academic interests to discuss basic questions of public administration before staff meetings of state officials. Visitors who have appeared before the staff meetings include James C. Charlesworth, assistant director of the Institute of Local and State Government of the University of Pennsylvania, who led a discussion on budgeting; Dean Paul H.

Appleby of the Maxwell School of Citizenship and Public Affairs of Syracuse University, who discussed top-level management; and Morse Salisbury, director, Public and Technical Information Service, United States Atomic Energy Commission, who spoke on public reporting.

During January and February, 1951, Vanderbilt University sponsored a series of lectures by visiting political scientists as part of its seventy-fifth anniversary observance. The visiting political scientists and the topics on which they lectured were: Charles Fairman of Leland Stanford University, "Current Trends in Constitutional Law"; Hans J. Morgenthau of the University of Chicago, "The Dilemmas of American Foreign Policy"; John Gange of the University of Virginia, "Is Peace Still Possible?"; Robert E. Cushman of Cornell University, "The Effects of the Cold War on Our Civil Liberties"; Edgar S. Furniss, Jr., of Princeton University, "Are We Losing the Battle for Men's Minds?"; Clarence A. Berdahl of the University of Illinois, "The Leadership of the United States in the United Nations"; Taylor Cole of Duke University, "The Democratization of Western Germany"; Robert J. Harris of Louisiana State University, "The Changing Character of American Federalism"; and Norman D. Palmer of the University of Pennsylvania, "The United States and the Revolution in Asia." The series of lectures was made possible by a special grant to Vanderbilt University from the General Education Board of New York City.

Marshall E. Dimock delivered the annual lectures in public administration at the University of Alabama, November 6–10, 1950. The title of the 1950 series of lectures was "Free Enterprise and the Administrative State."

Harold D. Lasswell of Yale University delivered the second of a series of lectures relating to the Soviet Union and the United States at Emory University on January 30, 1951. The title of the lecture was "Force and Persuasion in the Strategy of the West."

Hans Kelsen of the University of California (Berkeley) delivered a lecture on "Recent Trends in the Law of the United Nations" at the University of Utah on February 7, 1951. The lecture was sponsored by the Institute of Government of the University of Utah and by the local chapter of Pi Sigma Alpha.

James J. Robbins, professor of political science at the American University, was recently decorated by the Swedish Government with the Order of the Polar Star with the rank of Knight. The citation accompanying the presentation referred to Professor Robbins' book, *The Government and Labor Relations in Sweden*, and to his activities in promoting international cultural relations between Sweden and the United States.

APPOINTMENTS AND STAFF CHANGES

Robert T. Bower, formerly associated with the Bureau of Applied Social Research at Columbia University, has been appointed director of the Bureau of Social Science Research of the American University.

Henry L. Bretton was an instructor in political science at the University of Michigan during the spring semester of 1951.

George P. Bush has been advanced to the rank of associate professor in the School of Social Sciences and Public Affairs of the American University.

Harwood L. Childs of Princeton University has been serving as visiting professor at New York University.

Edward S. Corwin of Princeton University was a visiting professor of political science at Emory University during the spring quarter of 1951.

Guy H. Dodge, chairman of the department of political science at Brown University, has been advanced to a full professorship at that institution.

Arthur Fanta, international lawyer and native of Czechoslovakia, has been serving as a part-time teacher in the department of political science of the University of Pennsylvania.

David Farrelly of the University of California (Los Angeles) will be a visiting member of the faculty of Pennsylvania State College during the summer of 1951.

James W. Fesler, member of the political science staff of the University of North Carolina since 1935, has been appointed Alfred Cowles professor of government and chairman of the department of political science at Yale University.

Russel H. Fitzgibbon is on leave from the University of California (Los Angeles) to engage in research on governmental organization and operation in Uruguay under a Social Science Research Council grant.

Guy Fox has been promoted to an associate professorship at Michigan State College.

Robert E. Goostree, formerly a graduate student and instructor at the State University of Iowa, became an instructor in government and politics at the University of Maryland on January 1, 1951.

George A. Graham continued on leave from Princeton University during the spring of 1951, devoting his full time to research under a grant from the Rockefeller Foundation.

J. A. C. Grant of the University of California (Los Angeles) has been named divisional dean of social sciences at that institution.

Lowell H. Hattery has been advanced to the rank of associate professor in the School of Social Sciences and Public Affairs of the American University.

Carroll Hawkins has been appointed to an associate professorship at Michigan State College.

J. David Jackson has been appointed as an instructor in political science at the University of Pennsylvania.

Scott D. Johnson of Hamline University will be a visiting professor at the University of Minnesota in the second summer session of 1951.

George Kennan, counsellor of the United States Department of State (on leave), has been elected to membership in the School of Historical Studies, Institute for Advanced Study, Princeton, New Jersey, for a period of five years beginning in September, 1951. He will continue studies in diplomacy and international affairs which he began at the Institute during the academic year 1950–51.

Walter H. C. Laves, recently deputy director general of UNESCO in Paris, was a visiting professor of political science at the University of Michigan during the spring semester of 1951.

John D. Lewis of Wesleyan University (Connecticut) will be a visiting professor at the University of Minnesota in the second summer session of 1951.

Stuart A. MacCorkle has been on leave from the University of Texas since February 1, 1951, and has been serving as executive director of the Texas Economy Commission, with headquarters in Austin, Texas.

Joseph E. McLean of Princeton University has been appointed acting director of the Office of Price Stabilization for the Trenton, New Jersey, district.

Arthur W. Macmahon, Eaton professor of public administration at Columbia University, was a visiting professor at Princeton University during the second semester of 1950–51.

John M. Mathews, formerly chairman of the department of political science of the University of Illinois, retired from active service at the close of the academic year 1950–51, after forty-two years of teaching. He has been named professor emeritus.

Jaroslav Mayda, formerly of Masaryk and Charles Universities, Czechoslovakia, has been appointed as an assistant professor of political science and law at the University of Wisconsin.

Robert G. Neumann is on leave from the University of California (Los Angeles), and is engaged in a study of political parties in France under a grant from the Social Science Research Council.

Edward R. Padgett, formerly an assistant in the College of Special and Continuation Studies at the University of Maryland, has been serving as an assistant professor of political science and history at Washington College, Chestertown, Maryland, during the academic year 1950–51.

Harold S. Quigley of the University of Minnesota will be a visiting member of the faculty of the University of Wyoming during the summer of 1951.

Robert W. Rafuse has been appointed to an associate professorship and named chairman of the department of political science and citizenship at Harpur College, State University of New York.

John S. Reshetar of Princeton University was one of the participants during the academic year 1950-51 in the refugee interview project which was conducted in Germany by the Russian Research Center of Harvard University.

George F. Robertson became operations supervisor of the Tax Commission of the State of Washington on December 1, 1950.

Arnold A. Rogow, assistant in instruction at Princeton University, is in England to study relations between business and the Labor government. His study is being conducted under a fellowship from the Social Science Research Council.

George F. Rohrlich, formerly a research associate of the National Planning Association, Washington, D. C., has been appointed chief of the Disability Research Branch, Bureau of Old-Age and Survivors Insurance, Social Security Administration, Baltimore, Maryland.

George H. Sabine of Cornell University was a visiting professor of political science at the University of Oregon during the spring term of 1951.

Harry Shapiro of the Philadelphia Board of Public Education has been serving as a part-time teacher in the department of political science of the University of Pennsylvania.

Wilbur S. Shepperson, recently a graduate student at Western Reserve University, has been appointed as an instructor in history and political science at the University of Nevada for the academic year 1951–52.

Herman Somers, chairman of the department of political science of Haverford College, has been advanced to a full professorship at that institution.

H. Arthur Steiner will be on leave from the University of California (Los Angeles) during the fall semester of the academic year 1951-52 for a temporary assignment as director of studies of the National War College, Washington, D. C.

Ivan M. Stone has been appointed dean at Beloit College, where he has been chairman of the department of government for several years.

Albert L. Sturm was advanced to a full professorship in political science at West Virginia University, effective February 1, 1951.

William Lonsdale Tayler was on leave from Dickinson College during the academic year 1950–51 to serve as dean of the Azores and Bermuda branches of the American International College, which were established in the fall of 1950 for the officers and airmen of the United States Air Force at Lages Air Station and Kindley Air Force Base.

Arthur L. Thexton has resumed his duties as associate professor of political science at the University of Bridgeport after a leave of absence during which he served as promotion director of the Connecticut State Democratic campaign of 1950.

Thomas W. Thorsen, formerly of the Institute of Government of the University of Utah, has been appointed city manager of Cedar City, Utah.

Lawrence C. Wanlass has been advanced to an assistant professorship at Mount Holyoke College.

Edward E. Weidner, formerly of the University of California (Los Angeles), has been appointed to an associate professorship at Michigan State College.

Robert F. Wilcox, formerly senior research assistant at the John Randolph Haynes and Dora Haynes Foundation in Los Angeles, is now an assistant professor of political science at San Diego State College.

E. L. Woodward, fellow of Worcester College and professor of modern history, Oxford University, will become a professor in the School of Historical Studies, Institute for Advanced Study, Princeton, New Jersey, in September, 1951.

Roland A. Young has been on leave from Northwestern University for the past three months while serving as political science representative in a group of five social scientists who have been conducting a study in Africa of the government of dependent areas. The study which the group has been conducting is under the sponsorship of the Carnegie Corporation.

BOOK REVIEWS

The Federal Bureau of Investigation. By Max Lowenthal. (New York: William Sloane Associates, Inc. 1950. Pp. ix, 559. $4.50.)

Security, Loyalty and Science. By Walter Gellhorn. (Ithaca: Cornell University Press. 1950. Pp. viii, 300. $3.00.)

The Loyalty of Free Men. By Alan Barth. (New York: Viking Press. 1951. Pp. xxxi, 253. $3.00.)

National Security and Individual Freedom. By Harold D. Lasswell. (New York: McGraw-Hill Book Company, Inc. 1950. Pp. xiii, 259. $3.50.)

These four volumes deal with different aspects of a great current problem: Can we meet the challenge of Soviet imperialism without a major surrender of individual freedoms? Within this question are hundreds of separate issues. The present volumes show how widely books may differ in the range and quality of their analysis.

The most restricted in subject and the least satisfactory in quality is the book of Mr. Lowenthal, who has chosen to write about selected episodes in the history of the Federal Bureau of Investigation. Mr. Lowenthal's position on the FBI is simple; he is against it, and in particular he is against its Director, J. Edgar Hoover. His book is advertised as "an objective picture;" it is nothing of the kind. It is a prosecutor's brief. Only what is thought to be damaging is included, and the result, not unnaturally, is an entirely lopsided account, in which nearly half the argument deals with events a generation old. This book proves what its author ought to have known before he wrote it, that the techniques of the courtroom are singularly unpersuasive when they are employed out-of-doors.

Yet once its character is recognized, the book has its value. It supplies for future students a handy guide to most of the major complaints that have been directed against the FBI and Mr. Hoover in the last thirty-odd years; without proving anything, it gives a mass of evidence that suggests pertinent questions for further inquiry.

In passing, the reviewer would make one comment on the Washington reaction to this book. Mr. Lowenthal's method is so clearly unfair that he could properly be answered by silence, but an observer of the sustained barrage set off against his book finds it hard to believe that Mr. Hoover and the FBI have been more than nominally silent. Whatever Mr. Lowenthal's method, his book makes a number of points which are either damaging or false; if it is felt desirable to recognize and attack him, an answer on the facts would be preferable to the empty tirades that have so far appeared.

Professor Gellhorn's book is of an entirely different character; it is an informed, documented, intelligent analysis of an extremely intricate subject. Mr. Gellhorn is concerned with the problem of maintaining a free and progressive world of science in a time of increasing concern for the loyalty and security of scientists. He discusses the existing policies and practices of the Atomic Energy

Commission, the Department of Defense, and the Federal Government generally, with a careful eye for excessive precautions. He then gives a telling chapter to the problem of procedure in loyalty actions, and continues with a word of warning on the danger that universities may be drawn beyond their depth into the dull life of total "clearance" and risk-free secrecy. Mr. Gellhorn's constant emphasis on the danger of restrictions as against the danger of betrayal leads to occasional overstatement, but in general his argument is sober and persuasive. Certainly in the current state of opinion, there is little danger of a policy too soft in its precautions, and Mr. Gellhorn makes a strong case for his balanced conclusion that our policies on secrecy in science are "intelligently formulated" but "rigidly applied." If he has given more attention to the rigidities than to the intelligent formulation and more weight to worried than to unworried scientists, this is a small flaw in a distinguished study. One must hope that it will have a wide influence, in official circles and elsewhere.

Alan Barth's book is broader in scope, more ardent, less exact, and somehow attractive even in occasional weakness. Mr. Barth begins where the problem really begins, with what he calls "the cult of loyalty." He does not go deeply into the origins and structure of this cult, but his denunciation is thorough and satisfying. He then turns to a blunt and candid analysis of Communism, and he does not evade his task by any pretense that the Stalinist danger is insignificant. (Professor Chafee's eloquent introduction seems less realistic on this score.) The book continues with a sound summary of a series of problems in loyalty, including the problem more comprehensively treated by Mr. Gellhorn. It includes a discussion of the work of the FBI that in fairness and trenchancy wholly outclasses Mr. Lowenthal's. Mr. Barth's is not a statement that can be answered effectively by silence.

The book has some of the defects of its ardor. Mr. Barth joins Mr. Gellhorn in using the uncommonly ill-advised analogy between our current difficulties and the great Salem witch-hunt—after all, Stalinists, unlike witches, are real, and can be dangerous, as both men recognize. Moreover, the author is sometimes uncertain in his recommendations—in one place he would have the current work of the FBI thoroughly investigated; in another he would have all counterintelligence work conducted behind a leaden curtain of secrecy. Yet on balance this book is brave, careful, and right, as far as it goes.

The broadest of the books at hand is Harold Lasswell's study of *National Security and Individual Freedom.* Here the excesses of demagogues, the marginal methods of the FBI, and the problem of loyalty procedure become incidents in a larger inquiry. Mr. Lasswell assumes a future of continuing crisis, short of all out war. Such a crisis, he argues, involves a continuing threat to four major elements of the American free society: civilian supremacy, freedom of information, civil liberty, and a free economy. He then prescribes desirable changes and adjustments, to meet this threat, in the three branches of the government and in the American public. This is a substantial undertaking, even for Mr. Lasswell, but the result is a remarkably valuable and even "insightful" book.

Mr. Lasswell reorganizes the National Security Council; he creates a new

Policy College; he adds one to the President's annual messages; he reconstructs the Department of Defense; he gives the Congress a new joint committee, and he rewrites the procedure of congressional committees. To the intense pleasure of at least one reader, he attacks the current fad for omnipotent parties; he judges the courts (in a tone much less mild than the one he uses for the Congress), and he makes extensive arrangements for private citizens and groups. All this makes for a busy book; opinions and dicta are sprayed about at such a rate that it would be surprising if anyone in the country could agree with all of them. Moreover, Mr. Lasswell seems to have been in rather a hurry; his book has more than its share of misprints and minor inelegancies. The fact remains that it is full of powerful analysis and sound judgment, buttressed by wide study; it is a major contribution.

* * *

These four volumes are obviously very different from one another. It was therefore somewhat startling to discover, reading them together, that in two important particulars their authors are alike. These points of similarity are neither simple, nor comforting, and are particularly clear in the three of these books that are good.

First, all of these writers, even Mr. Lasswell, seem to be content with a very shallow definition of freedom. This great word is constantly used as if all of its particular manifestations were of absolute value. This is useful polemics, but not good thought. No man, obviously, is wholly free; all society involves some constraint, and such constraint is often a condition of specific freedoms. It is even conceivable that the constraints of a loyalty program are in some measure essential to freedom. These writers would, I think, admit the point, but not with much enthusiasm, and in their writing they seem to ignore it. Mr. Lasswell, for example, argues that National Service legislation—he calls it a "labor draft"—would "limit, and even obliterate, basic freedoms." In another place he accepts General Eisenhower's view that a soldier's "fundamental life purpose [is] the protection and perpetuation of basic freedoms." Does this soldier have the basic freedoms which National Service is said to obliterate? Or is he a slave defending freedom?

Freedom is a proper absolute, but *freedoms* conflict. Why is this fairly obvious point so little recognized in these volumes, and in most similar current discussions? Shall we suppose that the good liberal, faced with important assaults on freedom, has concluded that the best defense lies in a pure and simple theory of uninhibited liberty? Or is it that only the holders of the antique faith have the courage and energy to speak out? If either notion were correct, it would be distressing, for freedom needs a deep and wide circle of defenders, working with a more complex and balanced estimate of its immediate meaning.

Finally—and this is a closely related point—these writers do not seem to deal squarely with the unpleasant fact that an effective and currently expanding majority of Americans does not share their general attitudes. Everyone is for freedom, and nearly everyone is for security, but the public wants them with an emphasis entirely different from the one these writers have in common. This fact suggests a pair of questions. What are the causes of the present public attitude? Is there something that can be done to change it? None of these books deals with the first question (though Mr. Gellhorn recognizes that his argument may conflict with public opinion). Only Mr. Lasswell attacks the second, and this effort is the least persuasive part of his book, for the public he considers is far more kindly, far less alarmed, than the actual public of the moment; it is true that fear and doubt have spread since he wrote, but even a year ago people were not as docile as he seems to assume.

It is unfortunately true that these books are all sermons to the converted. They do not tell what thoughts and feelings make the cult of loyalty so widespread; they would not be persuasive to its members and supporters, or even to the average troubled neutral. Perhaps this approach—like the black-and-white picture of freedom—is somehow characteristic of the work of the intelligent liberal. Perhaps in the liberal view the present somewhat grim and illiberal public mood is necessarily unreal, or unmotivated, or both. But if this is what orthodox liberals think, we must look elsewhere for an effective defense of tolerance, balance, and sanity. The public mood exists and must be dealt with.

Yet the first requirement is faith; whatever the complexities of freedom and the difficulties of its defense, it is vital, first, to believe. Belief is not enough, but it is vastly better than apostasy. Mr. Gellhorn, Mr. Barth, and Mr. Lasswell have written books which will deepen and solidify an intelligent understanding of the cause of personal freedom in an age of crisis. If this is not all that is needed, it is at least enough for thanks.

McGeorge Bundy.

Harvard University.

Jean-Jacques Rousseau et la Science Politique de Son Temps. By Robert Derathé, with preface by B. Mirkine-Guetzévitch and Marcel Prélot. (Paris: Presses Universitaires de France. 1950. Pp. xiv, 463.)

Professor Derathé's book is part of a grand design; and, while it is not the first step to realize that design, it seems desirable to the reviewer to indicate and comment on the vastly ambitious but well conceived plan of which it is part. The plan is under the immediate supervision of Mssrs. B. Mirkine-Guetzévitch and M.Prélot who, aided by a board of distinguished scholars, in collaboration with the Presses Universitaires de France, intend over the coming years to publish, under the rubric, *Bibliothèque de la Science Politique,* a series of treatises which in their totality will systematically cover the whole range of political science proper.

The library will be divided into three sections dealing with the substance of the subject. These sections will be concerned respectively with the great political doctrines, the great political forms or institutions, and the great political forces, or political dynamics. They will be preceded by a fourth, concerned with method and with scholarly apparatus. In a General Preface to the Library contained in the first work published on doctrines, itself very appropriately an annotated edition of a French translation of Aristotle's *Politics* done by Professor Prélot, the objectives and intent are explained by the editors. The general concern, which is perhaps not more than a pious aspiration and a profession of faith, is to further world peace by means of intellectual interchange and understanding, especially in the realm of politics, and by promoting real knowledge of historical background, institutional functioning, and philosophical foundations of public life in different areas. The more specific and immediate objective is to overcome the limitation of French studies in politics, hitherto too largely speculative, consciously classical, or formalistically legal and constitutional; and by emulation to embrace the values in the methods and results of American and English political science. At the same time the editors are profoundly aware of the values of the humanistic approach and of cultural tradition. Their ideal is to wed, in balanced proportion, concern with the great historical ideas of political philosophy, analysis and interpretation of the course of political events and the causes of change and growth in political institutions, a realistic understanding of power and the forces generating and using it, and a consciousness of method as philosophy, and as technique suited to, and to be used by, man the political animal. Finally, while the editors set their faces against merely casual and random additions to the body of monographic literature, and are concerned with real system both in the treatment of subject matter and in the accumulation of effective and usable bibliography and other relevant cataloguing, they very wisely do not intend to sponsor an over-all system of politics achieved by mechanical division of labor, by a uniformity of viewpoint imposed on contributors by editors, or even by distraction of scholars from their established interests and enthusiasms in order that a suitable piece in the total pattern may be neatly and expeditiously provided. That they are sincere in these professions is indicated by the two very different works presently available on political doctrine, namely the work here under review and the aforementioned edition of Aristotle.

The organization of dogma, useful sometimes for full exploration of the implication of premises and assumptions, is indeed most normally either a tool for controversy between schools whose dubious dialectics generates more heat than it emits light, or a basis for domination over universities and academies to the detriment of scientific progress. A series of pedestrian manuals may be highly useful to train students, and to transmit tradition, but, save insofar as it provides a time-saving foundation for potential contributors to knowledge, it is hardly ground-breaking. Indeed, such a series not infrequently ends in dullness and distress rather than in liberation through training of creative imagination. Nevertheless, the enlightened method here adopted has its difficulties and its drawbacks. For an initial period, certainly, a number of random and highly individualized works are apt to give an impression of scattering and of lack of design; and, however valuable each contribution may be, the over-all impact may not be vastly different from that created by certain existing series of monographs, whose very lack of over-all design is, as the editors explain, justification for this series. Nor is it by any means certain that, even when the series is well advanced, the various works in it will collectively provide thorough coverage of the respective sub-divisions of political science above indicated. Here the major hope must be that the very existence of such a library, and the editorial statement of a coherent intent in the project, may, without compulsion and without specific contracts, direct the attention, without deflecting the energies, of leading scholars to the relevant issues and to the production of works which, without the encouragement of such a plan, they might not have written. Granted that this library, so well conceived, survives the initial randomness of its contents, such a result is far from improbable. Certainly a wedding of the French tradition, and indeed of the continental tradition generally, to the achievements of English, and of the differently oriented American, political science, would be one of the most important conceivable steps for politics as at once a humane and a scientific study.

I turn belatedly to the work properly under review, which in its specialized character and random location from the viewpoint of the whole course of Western political thought illustrates, insofar as one work may do so, some of the difficulties noted above. A careful and learned monograph, it yet illumines the general development of political philosophy from the sixteenth and seventeenth centuries toward those issues which we deem of essentially modern significance; makes of Rousseau a vital turning point in the history of thinking about politics; and so has a justifiable place in a series devoted to the great political doctrines. Professor Derathé develops his analysis of what was the significant contribution of Rousseau by the sensible, and, in the case of most other thinkers, normally employed, technique of assessing his relation to prevalent ideas in political philosophy and legal theory in his own time, ideas which had been developed from Grotius and Althusius through Jurieu and Locke, and which had received systematization in the writings of men like Pufendorf and Burlamaqui. Derathé notes that most treatments of Rousseau have concentrated on Rousseau's subsequent influence, with some consequent falsification of the degree of his originality, as well as of the precise nature of his contribution, a point also made in a different context by Professor G. D. H. Cole, whose Introduction to the *Social Contract*, plus a brief but brilliant essay, are among the few important omissions from Derathé's excellent bibliography. Insofar as scholars have treated of Rousseau's masters, or of influences on him, they have confined themselves largely to Plato and to Hobbes, and have seriously ignored systematic seventeenth century natural law treatises. They have also either not assessed, or have assessed incorrectly, his relation to the institutions of Geneva. Professor Derathé emphasizes the degree to which Rousseau was inadequately informed about the Genevan constitution, and at times ignored the oligarchic realities of Geneva's politics and government. In my judgment, Derathé, while factually correct, does not stress sufficiently the impact of youthful memories, transmuted and idealized in self-imposed exile, and of the creation and use by Rousseau, perhaps half-consciously, of the Genevan myth, useful to him for contrast and for criticism of the institutions of nation-states, whether ruled by autocracy or by a representative government such as that of England.

From an initial chapter, under the title "The Historical Antecedents of the

Social Contract," which gives the setting and makes clear the purposes and orientation of the whole work, Derathé goes on to consider what Rousseau actually read in politics. Apart from reëmphasizing the thesis, now generally accepted, that Rousseau was not unread or even poorly read, Derathé indicates the selective nature of his reading. He notes how basically antagonistic Rousseau was to all thinkers who from natural law doctrine moved by means of social contract to the alienation of sovereignty to governors, and to the surrender of liberty—whether or not, like Grotius, they ended with monarchical sovereignty. He notes, too, Rousseau's not infrequent selective unfairness in dealing with those he deemed ultimately and in essentials mistaken. The broad themes are then pursued in detail in a series of chapters on the state of nature, the theory of the contract, and the theory of sovereignty.

Derathé concludes with the insistence that, while Rousseau had thought about the traditional questions of political speculation currently treated in his time, he yet succeeded in giving a new setting and orientation to the central issues of politics. For him the end of the state became not merely order, and not even material well-being for its members, but essentially freedom for the individual, equal to his fellows under laws derived from a popular and forever inalienable sovereignty. Rousseau insists that unanimous consent is not the essence of just authority, the real ground of sovereignty, which springs rather from a rightfulness based on enlightened morality. The rule of the general will cannot destroy the ultimate liberty of the person. Yet liberty is not the mere lack of association characteristic of the natural and primitive condition. It is rather a positive enjoyment of civilized living in such a way that the person may struggle to release his energy and to develop his best self based on conscience. Liberty cannot be founded on hedonism, and man's purpose is not the simple joy of lack of foresight. The real possibility of the fully developed person, capable of and enjoying the conditions for true moral happiness, in an order of law which is yet not oppression, is, according to Derathé, the great insight of Rousseau, who relates genuinely democratic means to genuinely personalist ends.

While the demonstration itself, the painstaking distinctions between Rousseau and his precursors and near contemporaries, and the detailed exposition even of well-known thought, is at points labored, the net result of Derathé's careful and critical enquiries is, I think, a just and balanced assessment. I add, however, that the explanation of Rousseau's movement from the simple man in the state of nature to the moral man in a political society is not entirely clear and convincing as an interpretation of Rousseau's own puzzling (because on the surface so nicely simple) analysis and transition. While I admit that Rousseau's end is moral man in moral society, I believe that Rousseau had rather more desire to see within society the approximate realization of the primitive virtues of pity and uncalculatingness than Derathé admits. I am also inclined to emphasize more heavily than Derathé the genuinely sinister totalitarianism of Rousseau's civil religion, and of his deity on earth, embodied in an ultimate popular sovereignty designed to protect the freedom of persons.

That evil remains, even though Derathé, as did Cole, correctly stresses Rousseau's deliberate separation of sovereignty and of law from the mere instrumentalities and operations of government, and Rousseau's consequent rightful insistence that the latter is always agency and never master. But Rousseau's rejection of an independent spiritual power, protection of a genuinely extra- and supra-political morality, ended in a monism which, though in intent different both from the Platonic Idealism of *The Republic* and the Hegelian Idealism of *The Philosophy of Right*, partially derived from the one and inspired the other; as, after Rousseau's agonized search for a completed political system which should liberate men and leave them free, his monism shared at last in the limitations of both this Platonic and Hegelian Idealism.

The problem of Rousseau, as Derathé presents it, is the central problem of a secular order where an agreed and institutionalized protection of shared spiritual values beyond the purview of the state is impossible; and where the enemy of moral man is, not simply sometimes immoral society, but man's inadequate ability to resist the immoralizing impact of amoral mechanism. But the solution, I think, must be found along pluralistic lines, by tension, by compromise, by institutional competition, though such pluralism must be reconciled with and contained within the great society co-organically conceived. Yet Rousseau, for all his failings and failure, emerges from Derathé's work as the one who first clearly perceived the central and haunting problems we have not hitherto solved; and I may add that, in a searching Appendix concerned with political terms and the realisms they at once hide and reveal, Derathé makes even clearer than in the body of the book the true originality of his author, and the inescapable difficulties he has bequeathed.

THOMAS I. COOK.

The Johns Hopkins University.

Man in His Pride; A Study in the Political Philosophy of Thucydides and Plato. BY DAVID GRENE. (Chicago: University of Chicago Press. 1950. Pp. xiii, 231. $4.00.)

Man in His Pride is a detailed study of the philosophies of Plato and Thucydides—who are generally considered to have little in common. In fact, as the author himself observes, "The polarity of their intellectual configuration defined the range within which . . . all political speculation can be seen to move." Thucydides, the historian of the Athenian Empire, the narrator of the fortunes of the man-made democratic institutions, is portrayed as a philosopher who saw the drama of human history played within the narrow confines of necessity and of "greed, strife and fear" as the underlying elements of human nature. The historian's materialism, however, which the author equates with a Hobbesian or a "Sophist" theory of human nature, did not prevent Thucydides from admiring the Periclean Athens. In the Athens of Pericles, writes Professor Grene, "Thucydides saw something great and admirable which compelled his intellectual homage as nothing else did" (p. 92). The Athens of Pericles typified a unique historical period during which the power impulses in human nature were held in check by Pericles himself. In this admiration of Pericles, Thucydides "transcended the materialism in which he believed." Whether this conclusion, and space prevents us from dealing with anything but conclusions, is justified is questionable to the reviewer. For, given Thucydides' materialist assumptions about human nature, it is hard to understand why his admiration of Pericles constitutes a "transcendence of materialism" or, for that matter, how any such transcendence is possible at all in view of Thucydides' own conception of historical necessity.

The passage from Thucydides to Plato is obvious. Whereas the historian studied the inner springs of power in human nature and its manifestation in human institutions and went so far as to admire one unique historical moment in which all power-seeking ceased and Athens "became a model of human society, tolerant and gracious "(p. 92), the philosopher turned his back once and for all to the power-seeking individuals and to man-made institutions to construct a system in which interest, power, movement and life itself were immobilized and tailored after the "immutable and single" ideal. The familiar outlines of Platonic philosophy are given by the author with remarkable clarity and succinctness: the debt to Socrates; the abandonment of Socrates when Plato needed new symbols to express a "new kind of vividness no longer expressible in human terms" (p. 110); the role of dialectic and its subsequent abandonment; the relation between man and the state; the transformation of the latter from an "instrument of man's desires" to a super-natural construction—a symbol of wisdom in the hands of the "teamster" (the philosopher) commanding the acquiescence of the "team" (the many) through persuasion and lies; the construction of a harmonious whole based upon a relationship between rulers and lower members independently "of the actual understanding of truth by the lower members of the political unit and, strange as it may seem, partly independent of such understanding by the rulers themselves" (p. 155). Finally, the road Plato took to what this reviewer would call mysticism is carefully traced by Professor Grene in the last chapter (Ch. XIII, "The Road to Dicte").

This work of genuine scholarship is rich in evaluative statements. A few generalizations may be questioned. I find it very difficult, for instance, to reconcile the author's admirable analysis in the last chapter with an earlier statement that "Plato in Politics is a sophisticated rationalist . . . looking for a non-rational symbol . . . around which the whole community can gather itself" (pp. 174–175). Neither am I convinced that the contradiction between the personality and the thought of the Socrates of the *Apology* and the Socrates of the *Republic* can be explained in terms of the adoption by Plato "of two standards of ethics, of two theories of social justice," the one belonging to the actual society and the other to the "reformed" society where total order prevails and no Socratic argument is allowed (pp. 160–161). In fact I find the author's whole treatment of the relations between the "real" and the "platonic" Socrates unconvincing.

The polarity between the historian and the philosopher, the one undertaking a realistic study of what we would call power politics and the other searching for something immutable and real beyond the ephemeral and the contingent and finishing by harnessing individual thought and individual life to his ideal construction, exhausts indeed, as the author asserts, the range of at least Ancient Greek political speculation. Yet I have the impression that in concentrating on the two polar points of Greek political thought as represented by Plato and Thucydides Professor Grene mostly ignored everything lying in more temperate zones. The Ancient Greek philosopher who said, "I would rather find a single causal law than be the King of Persia" and the students who under the abused name of Sophists studied and speculated on human truth and values represented an intellectual movement of extraordinary vitality which I do not think can be sandwiched between Thucydides and Plato. Some of the Sophists did not accept Thucydides' interpretation of human nature and most of them did not find it necessary to take "The Road to Dicte."

ROY C. MACRIDIS.

Northwestern University.

The Social Crisis of Our Time. BY WILHELM RÖPKE. TRANSLATED BY ANNETTE AND PETER SCHIFFER JACOBSOHN. (Chicago: The University of Chicago Press. 1950. Pp. 260. $3.50.)

This book, a translation of the fifth Swiss edition of Röpke's *Die Gesellschaftskrisis der Gegenwart* (originally published in 1942), comes to us highly recommended by Benedetto Croce, Frank Knight, Bertrand de Jouvenel, and others. It is written by a distinguished economist of the neo-liberal school of Mises, Hayek, and Lionel Robbins. It treats real and persistent problems emerging from the relation of the state to the economic order, and evidences a degree of learning calculated to compel attention. Nevertheless, in all major respects it remains a naïve and unconvincing work.

Röpke's argument may be summarized briefly: We dwell today in a "spiritual interregnum," a vacuum of moral and intellectual disintegration resulting from the repudiation of traditional values. Democracy cannot fill this vacuum, for democracy is itself in crisis; indeed, "the limitations inherent in the democratic . . . principle" have led to the breakdown of the unity and authority of the state and produced totalitarianism. Nor can we look to the existing economic system for a solution, for through urbanization and proletarization the independent peasant and artisan have been replaced by servile and rootless mass man (as Ortega y Gasset described him). Socialism or a "planned economy" is as one with totalitarianism, and collectivist approaches are even less likely than a misdirected capitalism to achieve a balanced and creative society. What is needed, Röpke concludes, is a "revisionist" liberalism—call it "economic humanism" or the "Third Way"—a program that will employ state intervention "compatible" with the basic laws of the market economy to re-establish the political and economic requisites for the spiritual life.

Three aspects of Röpke's book press for consideration: his methodology, his analysis of economic power, and his political theory.

Röpke belongs to one of several self-contained schools of economic thought, whose members read and quote from each other's books but disdain the work of outsiders. Thus Röpke makes ready reference to Hayek, Jewkes, and similar writers, but ignores the work of Veblen, Commons, and Pigou. Along with this isolationism in economic method there is a judicious selectivity of historical evidences: Switzerland and the Soviet Union are often cited, the former to illustrate Röpke's Valhalla, the latter to establish the vileness of "socialism." Sweden and other mixed economy systems, however, are virtually ignored, and the identification of Russia as a "socialist" state rests upon a most superficial reading of socialism. Finally, Röpke's methodology is an attempt to build on the Aristotelian mean, but Röpke (not unlike Aristotle) fails to demonstrate that his alleged extremes—*e.g.*, fascism and communism, competition and collectivism—are truly opposites, or that his "mean" exhausts the possible alternatives within the huge middle ground.

If we accept, with Röpke, the postulates of neo-liberal theory, then economic power, strictly speaking, can originate only in the free competition of the market-place; it is determined from within the economic system, not imposed from without. Thus Marx (more traditional in his economic views than Marxists care to admit) was led to the conclusion that concentrations of economic power were the inevitable consequence of the capitalist system; he erred in not seeing that economic power could originate from outside the economic system even after that system had been firmly established. Orthodox economists like Lionel Robbins, on the other hand, argue that economic restrictionism (monopoly) can arise only as a result of interferences from outside the economic system; he errs in not seeing that economic power can originate from within. Thus both Marx and Robbins are right in what they affirm of their own insight; both are wrong in denying the vision of the other.

Röpke does not make the mistake of falling completely into either camp. Throughout his book he points to the flaws inherent in the capitalist system and calls finally (pp. 159 ff.) for "compatible state intervention." But if government is to interfere to protect the free market (interfere so as not to interfere), then the free market must be inherently incapable of maintaining or perpetuating itself, or of sustaining freedom. Similarly, if the state is primarily responsible for monopoly (p. 230), how can Röpke expect the state to combat it? Such confusions have long attended the efforts of those who sought to legislate "free enterprise," only to discover that freedom and control are inseparable. When Röpke goes on (pp. 187 ff.) to urge, in the interests of "free enterprise," the nationalization of such utilities as electric power, radio, railroads, etc., one can only wonder at his claim to "exact thinking, precise concepts, and clear-cut decisions" (p. 20).

To ensure the proper workings of this economic system, Röpke argues, the state must be in the hands of the right guardians. This precludes democracy. "Only those can be the guardians of freedom who really love it: the elite which, with instinctive authority, leads society and all genuine communities below, above and outside the state"; for "neither the state, with its natural tendency towards despotism, nor the masses as such can be expected to produce anything but a tyrannical government" (p. 97). We must turn instead to the law courts; these, in Röpke's view, should be made the organs of national economic policy, for nowhere else are integrity and impartiality of so high a quality to be found (p. 193).

Now an epithet is not an argument, and to invoke so mystical a term as Ortega's "mass man" is not to refute the principle of democracy. Nor is it helpful to locate Röpke's "instinctive elite" (whatever this might mean) in the judiciary; for even were judges to embody his values of intellectual hierarchy and order, they are in no sense competent to decide matters of economic policy, which must be resolved more in terms of interest and justice than of integrity and impartiality.

Röpke is certain, however, that spiritual regeneration will eventually follow when the peoples have returned to the land and a peasant and artisan economy has been restored. Curiously, however, Röpke does not appear to realize that such a transition requires a vast bureaucracy to re-educate and move peoples, indeed to reverse history, *and keep it reversed.* Thus his remedy is worse than the evil he argues against; for it would not only aggravate the bureaucratic malevolences he attacks, but would foster the conditions that make for dictatorship.

This book is set forth by its author as "a desperate effort in spiritual orientation." If it can be said to achieve its purpose, it can only be in the ethical rather than the political-economic realm; and while I am disposed to quarrel with many of Röpke's values, it may be enough here to point out that his concept of humanism is not that of the Renaissance—of men like Montaigne, Colet, and Erasmus—but of an order rooted in faith and ultimate truth, institutionalized in man's inequality, deference, and subservience to certain selected traditions.

David Spitz.

Ohio State University.

Liberal Democracy; Its Merits and Prospects. By J. Roland Pennock. (New York: Rinehart and Company. 1950. Pp. xii, 403. $4.00.)

Mr. Pennock states in the preface that his purpose in this book is to contribute as he can to a "reappraisal of the ethical case for democracy, of its practicability, and of its prospects." He thinks such an effort timely because democracy is "widely associated with" faith in the rationality of man and with an individualistic philosophy, both of which he sees to be currently in recession.

Both in the preface and in the main body of text Pennock sometimes uses the expression "democracy" and sometimes "liberal democracy," but more frequently the latter. While there is some evidence in several instances that he intends the two terms to carry different meanings, I conclude that he considers "liberal democracy" the best name for what most of us call democracy and that he does not intend the word "liberal" to differentiate the kind of democracy he writes about from some kind of democracy that is not liberal. If there is a way of life or a scheme of government which Pennock thinks entitled to be called democratic but not to be called liberal, he nowhere identifies or describes it.

Pennock develops his reappraisal as follows: (1) He explains what he understands to be involved in bodies of thought and action commonly labelled liberalism, political liberalism, and democracy. (2) He identifies the principal lines of attack on the underpinnings of these bodies of supposition and belief, and tells where he parts company with some of the more eminent of the critics (*inter alia*, Locke, Hume, Nietzsche, Freud). (3) He sets forth his own ethical justification of democracy. (4) He examines the conditions of life in our time (states of mind, ways of doing things, actual and proposed courses of action) that may be expected to determine whether or not democracy will continue and flourish. (5) He identifies the conditions of life that he considers most favorable to the prospering of democratic government and discusses the likelihood that we have and may continue to have those conditions in America. (6) He concludes that we may continue in the democratic way if we have a will to do so, and he sees reason to believe that there is such a will in the United States and Great Britain.

The book provides conclusive evidence that the author was deeply concerned to develop analysis and argument worthy of the problem he attacked, and that he assiduously sought the best guidance he could find in a wide range of literature. References probably average four or five to the page, and an unpleasantly high proportion of them are wholly unfamiliar to me. It is clear that the thought of these writers was taken apart, examined, laid side by side for comparison, and evaluated by Pennock before it went from their pages to his own.

I think I can best indicate the principal concern and beliefs of the author and the quality of his analysis by arranging my further comment under three heads.

1. The impact of literature is heavy on this book. It abounds with terms such as "ethical positivists," "ethical equalitarianism," "ethical egoist," "social relativism," "legal functionalism." I do not recall having heard any of these expressions around the Gibson County Court House, a state capitol, or even at the Bureau of the Budget. Such terms suggest that the author may have been more fully exposed to what men say about government and politics in books than to what men say where the business of government and politics is going forward.

Having no special competence for sparring with philosophers, I shall not attempt to roll Mr. Pennock's concepts over and see whether they have edges which he failed to smooth. I venture the opinion, nevertheless, that the part of the book which is intended as "reappraisal of the ethical case for democracy" is mainly an argument with book writers. In his search for evidence as to whether man is rational and, if he is, to what extent, the author examines what people have been and are now doing and considers whether their behavior appears to be guided by reason. But the examination which he makes seems to me to be principally what is impelled by the need for information to answer arguments in other writings. I find it hard to believe that the most intelligent and thoughtful politician, concerned to learn more about the capacity and will of adult people to reason, would see much connection between the analysis in this book and his own observations, experiences, and problems.

The parts of the book that relate more directly to the practicability and prospects of democracy deal with matters that the politician and the ordinary citizen can easily recognize as important and these are expressed in language that is familiar. But the esoteric discourse which precedes the familiar is so forbidding that I think the politicians, the ordinary citizens, and likely the statesmen, in search of fuller understanding of democracy, will quite certainly put this book aside without reading it completely.

2. The book is marked by a body of convictions which perhaps may properly be called religious in character. Liberty is valuable "not just because of the absence of frustration and of the positive sense of spontaneity it entails, nor just because of the development of the capacities generally which it makes possible, but especially because of its contribution to the development of that particular capacity whose nature it is to produce the maximum of harmonious satisfaction—the capacity of moral responsibility. The latter concept involves a combination of a sense of obligation and the faculty of self-control. Only when freedom is accompanied by this appreciation of the total consequences of conduct and a compelling desire to produce the maximum happiness for others as well as for ourselves do we get that harmonious satisfaction which we have established as the end" (p. 65). "Unity is threatened by the substitution of the goal of material gain for spiritual salvation. The love of God unites at least those who are agreed about the way in which that love should be expressed, while the love of material goods might almost be said to be inherently divisive" (p. 139). "In my opinion if one reviews all the threats to liberal democracy that have been considered or even mentioned in the course of this book, one stands out as perhaps more fundamental than all the others. . . . It is excessive materialism. It is, that is to say, a scheme of values that places material goods and comforts at the top of the scale. The prevalence of such a value system is dangerous to liberal democracy partly because it leads to a devaluation of liberty but chiefly because of its divisiveness" (p. 370).

3. The book reflects lack of confidence either in the good sense of the American people or in the electoral-representative process by which they choose their lawmakers and officials, or in both, and therefore supports arrangements which enable non-elected officials to veto the acts of the elected branches of the government. "What should be insisted on is that liberal democracy must be a *constitutional* democracy, that there must be effective restraints of some kind—legal or moral—upon the government and even upon the electorate. . . . Of course, if democracy were to be defined in terms of majority rule, meaning

by that phrase the right of the majority to do whatever it pleases, any limitation upon the majority would be undemocratic. But no absolute right of majority rule has been established, nor in the writer's opinion can it be established" (pp. 117–18). "There is more than a little . . . to encourage the belief that liberal democracy is giving way to out-and-out 'majoritarianism' and that this in turn will be quickly followed by that plebiscitary democracy that is characteristically the forerunner of tyranny (the democratic totalitarians notwithstanding)" (p. 208). "One of the earliest and most fundamental political discoveries was that the unattainable ideal of human impartiality can be most nearly approximated by inculcating certain individuals with professional standards and then by so circumstancing them that they are protected from political pressure. . . . No institution can preserve liberty in the absence of support in popular sentiment. But institutions can act as shock absorbers to tide over a popular reaction that does not represent the settled desires of the people. Also, institutions mold sentiments as well as reflecting [*sic*] them; and a system of judicially protected rights is perhaps one of the best means of holding up to the emulation of all the ideal of equal treatment of equals" (pp. 206–7).

CHARLES S. HYNEMAN.

Northwestern University.

The Psychology of Dictatorship; Based on an Examination of the Leaders of Nazi Germany. BY G. M. GILBERT. (New York: Ronald Press Co. 1950. Pp. viii, 327. $4.00.)

"If wishes were horses"—asserts an old saw—"beggars would ride." And if social psychology and psychiatry were exact sciences instead of being highly imprecise arts and amorphous masses of dubious generalizations, then (presumably) the political scientist's inescapable task of trying to describe, analyze, predict, and control non-rational and irrational human behavior might become more nearly possible of accomplishment. Unhappily, that which now appears imperatively necessary for survival still seems to be intellectually impossible of achievement. The difficulties of the assignment, within the limits of orthodox psychological and psychiatric concepts, are demonstrated in the present work. Failure is not the fruit of lack of inspiration or of diligent application to the problem in hand, either on the part of this author or on the part of social scientists in general. Why we remain so ignorant of the psyche is still unknown. If it were known, we should be well on the way to wisdom. Under these circumstances, nothing can be demanded of the "experts" save humility and receptivity to new approaches.

Dr. Gustave M. Gilbert, former Prison Psychologist at the Nuremberg trial of the Nazi war criminals and Visiting Associate Professor of Psychology at Princeton, is an orthodox expert of neo-Freudian persuasion. He has here written a fascinating and valuable book, full of new material on Hitler, Hess, Goering, Frank, Von Papen, Von Ribbentrop, Keitel, *et al.* The life histories of the Nuremberg defendants are here set forth, along with their scores on I.Q. tests, Rorschach tests, Thematic Apperception Tests, etc. Valiant efforts are made at analysis, comparison, and generalization. The result ought to justify the title of the volume.

The fact that it does not, poses puzzling problems which, for their lack of solution, cast no discredit upon the author (who writes with industry and vigor) but are rather a challenge to all attempts to apply the "principles" of individual psychiatry to political and social behavior. Dr. Gilbert, to be sure, might have done better with his material had he taken cognizance of the contributions of Harold D. Lasswell and Sebastian de Grazia—and of some of the hypotheses of Horney, Mannheim, Pareto, Toynbee and Spengler. He would have assuredly done better if he had resisted the temptation to mistake jargon for wisdom—e.g., "our unifying concept is adaptive behavior in social interaction, seen against the larger framework of biosocial evolution" (p. 75), and "we are forced to make a clinical distinction between clinical or true paranoia and the cultural 'as if' epiphenomenon or 'cultural pseudoparanoia'" (p. 270). The operational applications of this orientation to current problems are scarcely impressive. Dr. Gilbert was quoted in the *New York Times* of September 6, 1950, as saying: "We know that the Russian leaders are deathly afraid of psychological warfare. If the people were to find out that Russia is waging aggressive war, God help the Russian leaders" who, it seems, are "just within the borders of sanity" and are "obsessed, neurotic, and thrive on aggression." How they differ from the Nazi leaders, and how these in turn differ significantly from American leaders, or indeed from any leaders anywhere, is nowhere indicated in the speech or the book.

But the central obstacle to success in the enterprise is that none of us is yet able to say anything definite or useful about the relationship between insecurities in society and insecurities within specific personalities. Dr. Gilbert has contributed much interesting data, but few dynamic new ideas to the resolution of the problem. So long as it remains unsolved, and so long as we continue to live in an obviously disintegrating civilization whose leaders and peoples are increasingly dedicated to mass madness and total death, this problem will remain the Nemesis of our age.

FREDERICK L. SCHUMAN.

Williams College.

The Law of the United Nations; A Critical Analysis of Its Fundamental Problems. By HANS KELSEN. (New York: Frederick A. Praeger, Inc. 1950. Pp. xvii, 903. $18.75.)

This is not a book for the ordinary layman. It is a technical study intended primarily for the specialist.

Since it is of the greatest importance to the understanding and evaluation of a book of this kind to have a clear comprehension of the purpose of the author, it is desirable to examine in somewhat greater detail than would normally be necessary in a review, what Kelsen sets as his task in his Preface. He distinguishes between a "juristic" and a "political" approach to the problem of the United Nations. This book, he says, "deals with the law of the Organization, not with its actual or desired role in the international play of powers." Law he regards as a "specific social technique for the achievement of ends determined by politics." The specific objectives which he sets for himself in his legal analysis of the Charter are to determine the inner consistency of the Charter, to formulate the possible meanings of various Charter provisions, and to show the consequences of the acceptance of these various possible meanings. He denies that it is the duty of the scientific commentator to give preference to one possible interpretation over another since that is essentially a political function, though he does quite clearly indicate some of his preferences in his analysis. The author expresses the hope that his work may be of use to those who wish to understand the United Nations, and to those "who will try to revise the law of the United Nations."

Such a limited purpose inevitably reduces considerably the appeal and usefulness of the book. Without in any way disparaging its great merits, one has to recognize that for most people interested in the United Nations, whether at an elemental or fairly sophisticated level, such an analysis as this can have only limited value because of its deliberate disregard of political considerations. Even those interested in Charter revision are likely to be more interested in the substance of the proposed changes than in the form. While Professor Kelsen subjects to merciless analysis the phraseology of the Charter, he does not suggest how the Organization for which the Charter provides can be made more effective for the achievement of its purposes; that he does not consider to be his juristic task. The book is addressed to a fairly limited clientele: practitioners at the seat of the United Nations who have to justify their positions and attack their opponents on legal as well as political grounds; specialists who are giving thought to the improvement of the Charter as a legal instrument; and teachers and scholars who find it necessary to delve fairly deeply into the legal considerations involved in the interpretation of particular Charter provisions.

In reviewing a book of the scope and detail of Kelsen's, it is, of course, impossible to summarize to any useful purpose its content. Suffice it to say that, as Kelsen explains in his Preface, it is concerned only with "basic legal problems." The important matter of economic and social cooperation is dealt with only in connection with the purposes of the Organization. Nor would it serve any very worthwhile objective to attempt to catalogue instances where the author has, in the reviewer's opinion, erred in fact or judgment. It is no serious reflection on the author to suggest that at some points his analysis is open to question. That is inevitable, considering the scope and detail of his work.

There can, of course, be no question regarding the inadequacies of the Charter from the point of view of good legal drafting. The procedure adopted at San Francisco, taken together with the tremendous pressure under which the work of final drafting was done, made this result almost inevitable. Furthermore, there is no question but what the prestige of the international lawyer was at a considerable discount at San Francisco. It was the politician, not the lawyer, who was in the ascendancy, as witness the relation that existed between the Coordination Committee and the Advisory Committee of Jurists. No wonder the legal perfectionist sees little to admire in the result. Nevertheless, it does strike this reviewer that Professor Kelsen allows his logical and critical mind to carry him at times to extremes in his criticism of the drafting of particular Charter provisions.

While Kelsen considers it his function as legal commentator to suggest possible alternative interpretations of Charter provisions where such exist, it is clear in most cases where his own preferences lie. These preferences are always argued cogently and usually in a convincing manner. Of course, not all his conclusions will be accepted. Thus, those who view the Charter as a treaty and subject to the usual rules regarding application and interpretation, would be inclined to dissent from his conclusion that since Articles 2 (6) and 39 authorize the taking of enforcement measures against non-Members for the maintenance of international peace and security, non-Members are, therefore, subject to the obligations of Members (pp. 106–110). Professor Kelsen, furthermore, states his position in a rather extreme form since he apparently does not limit the obligations of non-Members to the obligations set forth in paragraphs 3, 4, and 5 of Article 2. He seems to say that non-Members are obligated by other provisions of the Charter in so far as their purpose is the maintenance of international peace and security. He refers particularly to the enforcement provisions of Chapter VII. His conclusion would seem to be that non-Members are bound by decisions taken by the Security Council under Articles 39–42 of the Charter, a view which he himself admits may be regarded as revolutionary.

On the question of the right of withdrawal from the United Nations, Kelsen's view is no less revolutionary. In his opinion, the statement on withdrawal contained in the Report of Commission I of the San Francisco Conference and approved by the Conference in plenary session "is of no legal importance." This is not the generally accepted view, nor is it a view which it is easy to support by accepted legal reasoning. It is, of course, true that the Covenant of the League explicitly provided for the right of withdrawal. When the Dumbarton Oaks Proposals were published, there were differences of opinion expressed as to whether in the absence of an express provision the right of withdrawal existed. Where such uncertainty as to the meaning of a treaty exists, it is certainly appropriate to consider the *travaux préparatoires* and in this case there can be no misunderstanding as to the intention of the parties. While it was considered undesirable to state expressly that the right of withdrawal existed, there was general agreement on the existence of the right. The dissent of the Soviet Union, cited by Kelsen, did not call the right into question; rather it asserted the existence of the right in less restricted form.

Kelsen's theory of the nature of a legal obligation leads him in the discussion of Chapter VI, dealing with the pacific settlement of disputes, to argue that recommendations made by the Security Council under Articles 36, 37, 38, and

39 may have the character of decisions, binding under Article 25 (pp. 445–446). This line of argument, if accepted, would, of course, have important consequences not only for the authority of the Security Council but also for that of the General Assembly as well. If, as Kelsen maintains, recommendations of the Security Council can be said to be binding because the Council under Article 39 can decide to take enforcement measures which have the effect of putting sanctions behind them, the same can be said with regard to General Assembly recommendations. It would seem more reasonable, however, to say that recommendations under Chapter VI are always recommendations, that the failure of a Member to carry out such recommendations may be a factor in causing the Security Council to decide that the conduct of that state threatens the peace, and that enforcement measures taken may conceivably have the indirect consequence of bringing about acceptance of the original recommendation. Certainly, the smaller states at San Francisco were anxious to avoid the possibility of another "Munich," under the guise of such a combination of circumstances. Assurances were demanded, and obtained, that the Security Council would not use its authority under Article 39 in violation of the basic principles of the Charter. Article 39 clearly envisages the use of enforcement measures to restrain aggression, and to maintain and restore the peace. It is hard to conceive that the Council would ever use its authority under that Article, flexible though it is, to impose a political settlement on a state whose only "threat to the peace" has been to refuse to accept a recommendation. To say that the Security Council legally has the power to create new law between the parties in this way is an extreme view difficult to defend, either on theoretical or practical grounds.

Kelsen's book is a rich mine of legal argumentation. It will be constantly cited in legal debates in and out of the United Nations, and on both sides of the argument. It is a tribute to the extraordinary capacity of its author for refined logical analysis. It does not throw too much light on the actual functioning of the United Nations in a world of power politics—that is not the author's purpose—but within the limits which the author rigorously sets for himself, it is a highly useful contribution to the legal analysis of the Charter, and an important aid to the legal experts whether they are engaged in making law out of an essentially political document or defending political positions with legal arguments.

LELAND M. GOODRICH.

Columbia University.

Fundamentals of World Organization. BY WERNER LEVI. (Minneapolis: University of Minnesota Press. 1950. Pp. ix, 233. $3.00.)

This is a very sensible study of the problem of developing a world government which could be read with profit by many enthusiasts in that field. Professor Levi is, quite justifiably, "impatient with the failure to grapple with pragmatic realities," and he emphasizes "the human problems that will largely determine the fate of any world organization for peace." His effort is analytical, rather than historical or descriptive.

In general, the author's thesis is that a world organization able to guarantee peace cannot arise without a change in the mind and behavior of men, and will not be sanctioned by peoples until it appears as an attractive alternative to the *status quo* (pp. 9–10). This *status quo* is the state system based on sovereignty, and the urge for security leads people to rely upon accustomed things rather than to risk a new global system (pp. 202–203). But a sovereign state "can afford to be moral only after it has exhausted every means of accumulating strength" (p. 13), and the individual citizen is shocked at the conflict between his moral beliefs and his national desires—the double standard. There is no adequate community of nations today because there are not enough recognized community interests.

In several chapters he suggests elements needed for such a community. In Chapter II, "The Anatomy of Organization," he asserts that purposes, principles and membership are determining factors, and concludes that the United Nations system, if it could be integrated and given power to act and enforce, would be adequate, though it is not so now. A chapter on "The Organization of Politics" deals with contradictory human motives and desires; compromise and adjustment are as essential as a police force (p. 53). Collective security or even pacific settlement of disputes cannot be successful if dependent on national agreement for its operation; an authority above is needed. A long chapter on "The Organization of Economics" emphasizes that "Economics cannot properly be isolated as a phase of society." Changes in international life have diminished the application of *laissez-faire* and have raised questions as to the capitalistic system with resultant confusion as to our economic goals. In any case, economic cooperation cannot be successful so long as each sovereign state must seek security just for itself. Two other chapters deal with the organization of social welfare and cultural affairs, respectively.

Professor Levi asserts in conclusion that planning is essential for any organization and that it is futile to fight against it (p. 200). Planning is acceptable during periods of crisis, but forgotten thereafter. Only when national survival is protected by a superior authority, can nations afford to give up freedom of action; progress will be slow, and in economic, social, and cultural fields first. We cannot expect "One World" tomorrow.

The book gives a clear analysis and exposition, useful in bringing together the various elements of the problem. It is well-written, and covers understandingly a wide range of knowledge. It is not dynamic; it does not offer a panacea; it does not drive home a new point. It does give the reader the whole discouraging picture of his own inadequacy, and if he has the ability, he may learn a lesson as to what he must do to get world government.

CLYDE EAGLETON.

New York University.

The Road to Pearl Harbor; The Coming of the War between the United States and Japan. BY HERBERT FEIS. (Princeton: Princeton University Press. 1950. Pp. xii, 356. $5.00.)

This book lives up to the description on the jacket: "a probing narrative . . . an account of the attitudes and actions, of the purposes and persons which brought about the war between the United States and Japan." It is not an apology for the pre-war diplomacy of the United States nor is it a revisionist attack on President Roosevelt and his administration. It is a painstaking compilation of the records as disclosed on both sides of the Pacific. It is better history than the judgment of the International Military Tribunal of the Far East in that it is unhampered by any theory of "conspiracy" or unmarred by any predisposition to fix primary or exclusive guilt on any character or group of characters in the drama.

While everything was going "hellward" (as Secretary Hull expressed it) in 1941, Japanese cunning challenged American intransigence. Vaguely-worded proposals left interpreters "to dance with language in fancy dress" (p. 120) and the issue of peace or war dominated the thoughts of Washington and Tokyo. "Two ladders were being built for history; no one knew which would be used" (p. 161).

Neither Japan nor the United States had any confidence in the intentions or professions of the other. Furthermore, "Time had become the meter of strategy for both governments. But one did not mind its passing, while the other was crazed by the tick of the clock" (p. 270). The screen of Japanese diplomacy was down. Through the lenses of "Magic" the American government watched what was going on behind it. "Only the pure of heart and honest of mind could qualify well under such exposure. The government of Japan did not" (p. 219).

Mr. Feis shows why even at this late date absolute moral judgments are difficult. "The concept of national self-defense has as many hues as a rainbow. Each country has its own filter, and each bends the rays to its own wants and fears" (p. 86). . . . "If only there were some looking glass which gave forth an image of intentions, so fixed and clear that it would look the same to all" (p. 53). The author vitalizes his narrative with a steady stream of challenging ideas. He records the conviction of the Japanese militarists that the power of Japan is the effective dam in Asia against the spread of the Communists. He emphasizes the necessity on the part of the Americans—in 1941 at least—to pace diplomatic relations with Japan to the tempo of events in Europe. He indicates his opinion that an earlier boycott of vital supplies would have caused Japan to move "farther and faster" (p. 107). He admits that the American attitude, as "stern as a righteous schoolmaster" (p. 275), might have seemed to make Konoye's task impossible, but he does not believe that even a meeting between Konoye and President Roosevelt would have maintained peace in the Pacific.

Mr. Feis' character sketches are illuminating: Mr. Grew, to whom "reporting to the Department was like throwing pebbles into a lake at night; we were not permitted to see even the ripples" (p. 298 n.); Admiral Nomura protesting against his "hypocritical existence" (p. 291); Prince Konoye, too often "either the author or tool of deception" (p. 259); and "Matsuoka and the men he served . . . [showing] themselves most clearly as they were: displaced villains out of a nineteenth century melodrama, advancing upon the obstinate object of their affection with white words and black hearts" (p. 96). Mr. Feis shows that the emperor was not entirely aloof from—or powerless in—the march of events in 1941.

Mr. Feis has written a good book—but not the last book on the coming of World War II. We still wonder about the question of war guilt—not only for the Japanese and their emperor but for all leaders and all participants who had the information, the intelligence and the responsibility. How could Mr. Grew's warnings have been so neglected or ignored? How could we have been caught so disastrously at Pearl Harbor when by December 4, "The signs that the end was close became as plain as though they were written on a blackboard for children" (p. 336)? Just a few moments before the sickening news of the "day which will live in infamy" reached the White House, the President was telling his guest, the Chinese ambassador, that he expected foul play. "He had a feeling that within forty-eight hours something 'nasty' might happen in Thailand, Malaya, the Dutch Indies, and 'possibly' the Philippines" (p. 340).

CLAUDE A. BUSS.

Stanford University.

Soviet Politics—The Dilemma of Power; The Role of Ideas in Social Change. BY BARRINGTON MOORE, JR. (Cambridge: Harvard University Press. 1950. Pp. xviii, 503. $6.00.)

Public Opinion in Soviet Russia; A Study in Mass Persuasion. BY ALEX INKELES. (Cambridge: Harvard University Press. 1950. Pp. xix, 379. $5.00.)

These two books, the first in the Harvard Russian Research Center Studies, constitute an auspicious beginning. The respective authors have dug deeply into Russian sources and their studies represent sound scholarship.

Moore, in his *Soviet Politics,* is primarily interested in tracing "the development of Bolshevik ideas and practices concerning the organization of political authority and economic institutions" in order to ascertain which of the pre-revolutionary ideas have been put into effect in the Soviet Union and which ones have been set aside, and why. The book is divided into three parts: (1) Leninist theory and practice before the revolution; (2) the dilemma of authority from Lenin to Stalin; and (3) today's dilemma.

Any scholar who undertakes an investigation of the type upon which Moore has embarked is constantly bedeviled by the fact that he rarely, if ever, knows to what extent he can accept at face value the statements of Communist leaders as to their political beliefs at any one time. Since Moore was cognizant of the fact that various Soviet leaders have changed their views from time to time, he has avoided the pitfalls into which some other writers have fallen. He has dug into the sources to find out what Lenin, Trotsky, Stalin and other Soviet leaders had to say about a particular problem when it arose and not what they said about it at a later date and in changed circumstances. The picture which emerges indicates fairly clearly that none of the Soviet leaders was a diehard doctrinaire. For the most part each of them, under circumstances which he thought favorable to himself, was tactically flexible, was willing to recognize that certain ideas had not worked out according to plan, and was willing to reverse himself and his predecessors on points of doctrine for the purpose of gaining or consolidating power. It need hardly be said that some were more successful than others.

Of Moore's findings several deserve mention here: First, the dominant trend in decision-making has been to concentrate it in the hands of the top party leaders, a trend which began in Lenin's time. The most striking innovation since Lenin's day has been the glorification of a single leader whose infallibility is unquestioned. "Democratic centralism seems . . . to have been more of a pious wish than a basis for political decision-making." Second, the problem of implementing decisions has on the whole "been met by setting one part of the bureaucracy to watch another part." Soviet leaders have continually railed against an inefficient and unresponsive bureaucracy without much success. This has not been all to the bad from their point of view, for the bureaucracy has furnished them with a ready-made whipping boy for the purpose of deflecting mass hostility away from policies of the party. This reviewer, however, does not believe that Soviet citizens get as much vicarious pleasure from the attacks on the bureaucracy as Moore suggests. They have heard this same song for years from a dictatorship which does not want for power to act quickly and directly. Without assuming to know the answer, it is nevertheless difficult to avoid asking: is it possible that the Russians are such unthinking people? Third, the doctrine of equality has been repudiated, and under Stalin the tendency has been toward organized inequality. The "struggle among various interest groups for power, prestige and economic rewards" is vigorous. Fourth, an "ambivalent attitude toward the masses, a mixture of suspicion and admiration, has remained an important element in Bolshevik thinking down to the present day." Conversely, "no amount of propaganda about the dignity of labor has been able to reduce mass desire to get into 'desk work' and out of manual-labor occupations."

If space permitted mention might be made of other significant findings. Suffice it to quote a few sentences from the concluding chapter: "The simplest, and perhaps the rarest, fate to befall any portions of the doctrines of a protest movement is their continuation and application in practice. The transfer of the means of production to the society as a whole is the only aspect of Marxist-Leninist doctrine about which one can say with considerable plausibility that the goal has been achieved. For many Marxists this was not an important goal in itself, but a means to the end of creating a society free from the oppressions believed to be inherent in the capitalist system."

An excellent bibliography and a carefully prepared index add much to the usefulness of what this reviewer believes to be one of the best studies of the Soviet Union published in recent years.

Public Opinion in Soviet Russia, as the author explains, does not attempt to ascertain what the people in the Soviet Union think, but rather to describe the means and processes by which they are subjected to a steady flow of propaganda and agitation. While most students of politics and public opinion would like to know something about the effect of this barrage upon the Soviet mind, the author makes it plain that such an evaluation is impossible for the present, at least.

The book begins with a discussion of Communist theories of agitation and propaganda, and then proceeds to examine the formal structure and operations of the major media of mass communications—personal oral agitation, the press, radio and films. None of these, the author points out, is a business venture. Neither are they designed to facilitate or improve the free exchange of ideas. Rather they are instruments of the Communist Party for controlling the masses. The party not only determines the general line but also engages in the training of personnel and in overseeing the implementation of its directives at all levels.

This study goes a long way toward answering the frequently asked question of how the Communists control the masses. The author shows that Bolshevik leaders have long been aware that workers were not class conscious and that this consciousness had to "be brought to them from without." In this task they have placed the heaviest emphasis on daily face-to-face oral agitation. Inkeles points out that there are about two million agitators (who are also informers) in the Soviet Union. They are busy men, for they are also supposed to perform regular jobs. The result has been a large turnover, which in turn has resulted in more managerial personnel being pressed into agitation work. This is particularly significant in view of the author's observation that political agitation is often sacrificed to agitation for higher production. The chapters on the other mass media contain much interesting material, and constitute a real contribution to our knowledge of a subject which has been largely neglected.

In a thoughtful final chapter, Inkeles concludes that the message which the Soviet citizen gets through all the mass media is simple: "work harder, trust the party, hate the defined enemies of the regime within and without, and believe in the future," a message which "must be repeated endlessly in a thousand contexts." And yet "the agitator, the press, the radio, the film are constantly criticized for their inadequate performances." This may indicate, says the author, that the task of persuading the masses may not be so easy and may reflect "the state of mind of the Soviet people."

The book contains a well-prepared index and a bibliography whose usefulness, however, is limited largely to those who can read Russian.

Inkeles has written a pioneering book, which like all pioneering books inevitably leaves one with the wish that it might have been an even better book. There are some topics which might have received fuller emphasis; for example, the creation of separate newspapers for specific groups (e.g., writers, youth, etc.) and the exclusion of outside influence (the Iron Curtain) as further indications of the all-embracing nature of the mobilization of public opinion. Moreover, no study of mass persuasion in the Soviet Union can be complete without a discussion of the Soviet school system.

But the chief criticism of the book, in the opinion of this reviewer, is to be found in the fact that the author makes several important observations which, in the light of other statements in the book, do not appear to be warranted, and which seem attributable either to insufficient analysis of data or to a certain unwillingness to draw conclusions from available facts. The chapter dealing with "Public Control, Self-Criticism, and the Press" is particularly vulnerable in this respect. For example: "the Soviet pattern of handling letters to the newspapers remains an impressive indication of the efforts made by the party to encourage mass participation in the work of social control" (p. 215), and "through the medium of critical letters to the press . . . the party is able to obtain a rough, if not completely accurate, picture of the state of popular thinking" (p. 216). But: "the citizen who writes a letter automatically exposes himself to potential political scrutiny" (p. 214); "a letter of criticism also exposes the writer to retaliatory action" (p. 214); "in many newspapers . . . little more is done with the letters than to allow them to pile up and to collect dust" (p. 210).

Moreover, one wonders whether "the present regime should . . . be given credit for a notable achievement" (p. 146) because of the growth of the non-Russian press, or because it has increased the number of film projectors in rural localities. What achievement is there, one might ask, in multiplying and expanding the media of mass communications when the avowed purpose is to enslave the mind?

In the opinion of this reviewer, Moore's book is not only the more mature contribution but in addition is more cogently written. What Inkeles' book lacks in maturity of judgment and perceptive analysis, however, it to no small extent makes up by tackling a problem which has received scant consideration in past studies on the Soviet Union.

ALEX N. DRAGNICH.

Vanderbilt University.

Justice in Russia; An Interpretation of Soviet Law. BY HAROLD J. BERMAN. (Cambridge: Harvard University Press. 1950. Pp. xii, 322. $4.75.)

Dr. Berman's interpretation of Soviet law is not a purely legal one. He considers Soviet law in connection with the great changes in the modern world, including those in this country: " . . . we must view Soviet law from the perspective of our own law as it is developing, and not as it was," he says (p. 100). "We are moving slowly and cautiously along a path which they have traversed with crude and violent rapidity" (p. 94).

In studying Soviet law Dr. Berman does not confine himself to a description of the Soviet legal system or merely to a comparison; he tries to interpret it.

For this purpose he employs several methods: "analytical, historical and philosophical." He distinguishes law from Law and emphasizes the conflict between law and unlaw in Russia. Such a broad approach to legal problems, laudable indeed, is supposed to be very efficient if supported by corresponding sociological, economic and psychological analyses.

Dr. Berman's attitude toward Soviet law can be characterized as one of intense interest without prejudice or antipathy. In his concluding pages he finds that the Soviet experiment is one of "universal significance," but due to its excesses "the word 'revolution' has lost its charm in the West for all but a lunatic fringe." The dark sides of the Soviet regime are described objectively in the book under review. Criminal law is held as central to the whole Soviet legal system (p. 270). "Legal guilt is purely personal; but political guilt may be avenged against relatives and friends" (p. 49). "The murderer is punished by ten years' deprivation of liberty—the counterrevolutionary by death" (p. 182). "The line between political and nonpolitical is a wavy one . . . the Ministry of the Interior has the right to take any case it desires" (p. 84). " . . . the secret agents of the tsarist Ministry of the Interior were amateurs compared to their Soviet successors" (p. 156).

The author asserts also that "the socialist order . . . stresses the development of nonlegal social sanctions" (p. 104) and he describes many notorious phenomena of the Soviet regime: "The corrective labor camps . . . provide the planners with a mobile labor force"; " . . . personal pressures, deals, bribery of one kind or another, and other informal devices, are means of evading the rigid requirements of the official system . . . "; " . . . stealing in the factories is very widespread . . . the poverty of individuals breeds those very crimes which the poverty of the economy makes the state anxious to prevent: crimes against socialist property" (pp. 79, 101–102).

On the other hand, complimentary remarks are sprinkled through the book. In particular, Dr. Berman's description of the Soviet criminal procedure and of *Gosarbitrazh* practice is one of sympathy, if not admiration. Without necessary analysis and factual data and ignoring the fact of insufficient legal education of Soviet judges, he asserts that " . . . a great many cases are tried in the regular courts, and there is considerable evidence that they are generally dealt with according to accepted standards of law and justice" (p. 84). "Court procedure is informal and speedy; the judge protects the litigants against the consequences of their ignorance, and clarifies to them the nature of their rights and duties; there is elaborate pre-trial procedure directed toward covering the whole history of the situation" (pp. 283–284). In the meantime the case of Dimitry Buligin (pp. 85–89) to which the author refers as an illustration of "standards of law and justice" is rather an evidence of from-behind-the-scenes political influences on the court.

The Soviet *Gosarbitrazh* is characterized as " . . . an important growing point of law" (p. 96); the Soviet litigant is treated there "rather as someone more helpless, more dependent, more to be protected, guided, and if necessary reorganized" (p. 217). "Soviet business enterprises in pre-contract disputes, like Soviet husbands and wives in divorce procedure, 'go to school' to the Law" (p. 249). All this is written about disputes between the economic agencies of the same monopolist owner, the Soviet State, which is naturally interested in the expedient coordination of business relations between its enterprises and whose legal-administrative organ, *Gosarbitrazh*, guides them in the same manner as every legal counsel of an American concern does in similar circumstances, especially in case of a pre-contract disagreement.

Dr. Berman's attitude toward the Soviet system, especially terrorism and "excessive regimentation," is undoubtedly critical. However, even an expert can hardly determine from his book whether the legal or nonlegal component prevails in the Soviet system, largely because of the author's unsuccessful recourse to the history of Russian law and his theory of "parental law," which seem to be justifications for optimistic predictions of further improvements. Soviet labor law, for example, is characterized as being "as much Russian as it is socialist" (p. 255), and Dr. Berman refers to Peter the Great, who used serfs in industrial establishments. But he could refer, with no less success, to Egyptian Pharaohs and their system of building the pyramids. In the Russian past there are elements indispensable to an understanding of the Russian Revolution, and several authors have used them for this purpose. But they did not refer to dark phenomena of the past that had no connection with the modern period. The uselessness of such misleading references has become quite obvious since Communism and the Communist legal order, with all of its paraphernalia, have spread to several countries, not only those of Eastern Europe, but also to Mongolia, Korea and China, where Russian traditions are absolutely alien. In the light of these facts it is more plausible to believe that the Soviet legal system is purely artificial and has been forcibly established. If it absorbs some national traditions, it does so insofar as they can be of use for the success of the Revolution.

Dr. Berman's theory of the "paternal" character of the Soviet system is even more misleading. Sometimes he uses this term in the same connotation as the more usual term, the "police state." But his "parental" law has still another meaning. He finds even "maternal" elements in the Soviet concept of law, though these are overshadowed by the paternal (pp. 284–285). He emphasizes the educative function of Soviet law and justice. However, legal systems and justice educate and re-educate people not only in the Soviet Union but in fact everywhere, and the problem is to determine what kind of man Soviet law educates. We do not find a direct answer to this essential question in the book under review, but some of the quoted references to the development of criminal law are not insignificant.

Thus, though many important problems are brought to our attention in the book, they are not resolved by the author. He often leaves his reader suspended in mid-air: the Soviet system is inspired by Marxism but it "cannot be explained satisfactorily as a Marxist system"; it has its roots in the Russian past, but it is a "Law of new type"; it is a system of parental law, but the Soviet state is "a total state . . . the Soviet fetishism of the State is shocking." Even the problem of legal and nonlegal elements in the Soviet system remains unanswered up to the end of the book, because the author did not graphically show which is the sector of law and which the sector of arbitrariness.

If the Soviet system of law is a challenge to other nations, as Dr. Berman finds, then his book, in which many important problems are pointed out and many interesting materials are used, is a challenge to other jurists.

GEORGE C. GUINS.

University of California, Berkeley.

Tito and Goliath. BY HAMILTON FISH ARMSTRONG. (New York: Macmillan Company. 1951. Pp. xi, 312. $3.50.)

Written primarily for the advanced student of Eastern European politics, the timely evaluation of Titoism by the editor of *Foreign Affairs* will undoubtedly appeal to wide sectors of the American public. Founded on a careful analysis of available professional literature, *Tito and Goliath* reflects the author's long-standing preoccupation with the complex interwar and wartime development of Balkan politics. The book is freely interspersed with lively accounts of Armstrong's visits to Yugoslavia, and of personal conferences with Tito and his representative lieutenants. Thus theory and practice are judiciously blended to aid the student in interpreting the background of the contemporary rift between the Soviet Union and Yugoslavia.

Although the general outline of the book is somewhat diffuse, the introductory chapters lucidly trace the emergence of Tito in the light of specific military and economic factors which catapulted him into absolute power. Western political decisions contributed appreciably to the consolidation of partisan control over Yugoslavia; by 1943 Tito enjoyed the unqualified support of Winston Churchill who, at Teheran, successfully persuaded Roosevelt to help the partisans at the expense of the Mihailovich faction. In contrast to the Western political constellation so auspicious for Tito, the wartime relations of the Soviet Union and Yugoslavia foreshadowed inevitable friction and multiple disagreement. Partisan bitterness flared up as early as 1942 when a harassed Tito asked for arms and Moscow invariably pleaded "technical difficulties."

Reviewing the political connotations of Tito's deviation, the author firmly voices his *leitmotiv:* "more than any Communist Party in the world the Jugoslav Party is the creation of one man. Its members are thorough Communists; but they look first to Tito and only through him to Stalin" (p. 40). Since nationalist deviation does not form a single, continuous pattern, applicable to Yugoslavia alone, Armstrong devotes about half of his book to an appraisal of the revolutionary situations in Poland, Czechoslovakia, Hungary, Bulgaria and Albania. Describing the recent flood of purge trials which inevitably climaxed the Stalinist battle against nationalist tendencies, Armstrong finds the story of Gomulka, the "Polish Tito," the least revealing as an illustration of local deviation, while in his opinion both the Hungarian Rajk trial and Bulgaria's Kostov case offer new and illuminating political materials. Not only is the myth of Kremlin infallibility dispelled by the virulence of these satellite power-struggles, but individual Workers' parties are being deprived of the often invaluable services of their most aggressive, ruthless and dogmatic leaders. Armstrong's analysis reduces the complex network of deviations to such fundamental factors as peasant resistance (Bulgaria), Roman Catholic reluctance to accept secular domination (Poland and Hungary), and the bitterness of middle class intellectuals toward accelerated russification in every phase of public life (Clementis in Czechoslovakia).

In the two final chapters of *Tito and Goliath* the author draws several significant conclusions. Since Titoism gradually progressed from the minor Cominform schism of June, 1948, toward a full-fledged heresy with a general and lasting appeal, it is to the direct interest of the United States that Yugoslavia remain independent. On the other hand, America cannot force Tito to change the nature of his regime; pressure will not succeed with a man who has staked his life on his ability to resist pressure. Meanwhile the West derives continued benefit from the discord of Titoist deviation rapidly spreading throughout the Communist world. As Armstrong suggests, Titoism helps to establish an effective political pattern, foreshadowing the liberation through disaffection of Eastern Europe and of the Communist sectors of East Asia. It possesses the distinct capacity to disassociate Soviet Russia from Communism in the eyes of the world; thus, it is capable of stemming the tide of a thoroughly internationalized Communism.

Tito and Goliath occupies a distinguished place in the mushrooming American literature on Eastern European politics. Cleverly combining ponderous theory with lighthearted personal observation, the author succeeds in assembling a truthful record of the Soviet-Yugoslav dispute and in offering pertinent military, economic and social reasons for the climactic clash of power and personality.

ANDREW GYORGY.

Louisiana State University.

Honduras; An Area Study in Government. BY WILLIAM S. STOKES. (Madison: University of Wisconsin Press. 1950. Pp. xiii, 351. $6.00.)

Research in Latin-American government and politics is a relatively recent activity among political scientists in the United States, where little is known and understood of the problems of most of the republics south of the Rio Grande. What has been published on these twenty countries has concentrated in the main on the larger states in the group—Argentina, Brazil, and Mexico. These, while of course important and embracing a majority of the people of Latin America, are not representative of the political problems of the area as a whole. A vast gap thus remains to be filled, although inquiry into the institutions and practices of the smaller republics has frequently seemed to be a thankless endeavor.

Professor Stokes' book is a well-documented volume reflecting a careful and painstaking piece of research on the structure and operation of the Honduran constitutional system. The analysis carries the reader through the historical development of the republic, and discusses its judicial, administrative, electoral, and legislative institutions without overlooking the wide divergence between constitutional provisions and the manner in which the country is actually governed.

Much of what Professor Stokes has to say about Honduras seems certainly true of a number of other Hispanic-American states. He notes, for example, that "for the most part the history of elections . . . is the history of . . . revolution, fraud, bloodshed, and illegal activity" (p. 234). And this, too, many another Latin Americanist has heard before: " . . . everywhere the hand of the executive can be seen. The structure is hierarchical; the working principle, authoritarian . . . " (p. 294). How widespread a Latin-American picture Honduras typifies is a judgment which must await similar basic research in many other small American countries. Such research may well indicate that Professor Stokes' book is a pioneer work in the discovery and evaluation of a major Latin-American pattern.

The volume also assists in establishing the groundwork for later inquiry into a number of basic Honduran political problems, as yet unexplored. The author's observation that "in politics the racial factor of itself is of little consequence" (p. 14) remains of obscure significance in the absence of an analysis of the relationship of "race" to the socio-political structure of the republic. Again, Professor Stokes has noted that "the average man . . . continues to be schooled to accept decisions from above by authoritarian institutions such as the church and the army" (p. 191), thus pointing the way for later scholars to help us to understand *why* that is the case. Further, the book aids in focussing attention on the need for an eventual understanding of the organic interrelationships between a written constitution, on the one hand, and, on the other, the phenomena of *caudillismo* and dictatorship. The author states that the Honduran Constitution of 1936, with which authoritarianism has flourished in the country, "has incorporated the most practical aspects of all the Honduran constitutions, and it is believed by the majority of Honduran jurists to offer the best chances for permanency of any document that the republic has had" (p. 100). This observation raises for future research the question of what functions a Latin-American constitution performs, if it is to be evaluated in terms of its longevity rather than its relationship to the Hispanic-American world's struggle for democracy and constitutional government.

On balance, the book is a valuable addition to the slowly expanding body of literature in English on the political systems of the other American republics. A sound evaluation of the political problems of Latin America as a whole has long been hampered by the paucity of published basic data on the individual countries. This volume renders much current material on Honduras available for the first time to students in the United States.

GEORGE I. BLANKSTEN.

Northwestern University.

The Purse and the Sword; Control of the Army by Congress through Military Appropriations, 1933–1950. By Elias Huzar. (Ithaca: Cornell University Press. 1950. Pp. xiv, 417. $4.50.)

The late Professor Huzar was concerned in a broad sense with congressional control over the Army as an example of civilian supremacy. In this book he deals with the narrower segment of the control exercised by congressional subcommittees for appropriations to the Army from 1933 through 1949.

His method was to read hearings and other documents and to talk with people in the subcommittees, the Army, and the Budget Bureau. His points of analysis and conclusion are typically supported by quotations from documents, and there is surprisingly little of precise summary analysis. Since hearings, like holy writ, can be quoted for almost any conceivable argument, an analysis based mainly upon hearings can become a matter of "on the one hand" but "on the other hand" until the reader has trouble discovering the real enlightenment which is in this book. A further difficulty in the method used here is that unless the analyst is acute at reading behind the lines, he will miss the subtle play of politics and patronage that enters appropriations, in contrast to the sensitivity to such matters that Pendleton Herring showed in *The Impact of War,* including the grave concern of Senator Barkley of Kentucky in 1930 over a proposal that the number of horses to which an officer should be entitled should be reduced to one. (He thought it would damage morale in the cavalry and would mean that the government would not have a supply of good horses when it needed them.) The hearings at times reveal these matters, as when committee members went into the location of army posts; but they fail to reveal point-blank many other political considerations, both in the Army and in the Congress.

Some general conclusions are to be found in this study. There is little concern or enlightenment about Army appropriations outside the subcommittees. Inside the subcommittees, there is no systematic questioning of army proposals but rather a rambling attention to miscellaneous details. The distribution of army funds by large purposes is not examined by the subcommittees, a lapse that became painfully clear when the Korean war revealed to newspaper probers that only one dollar in seven of the appropriations since World War II had been spent for weapons. Budget proposals in time of war tend to be accepted by the subcommittees on faith, with committee members sometimes admitting that they do not want to do anything that would interfere with the war effort. On the very significant question of how much discussion should be off-the-record, the subcommittees have deferred to the Army witnesses so that under present practice the Army representatives are in a position to decide what shall be kept from the public. There was no significant change of procedure for handling the large budgets of the war and postwar years from the prewar days of smaller budgets. Congress has been on the whole generous to the Army; for fifteen years from 1934 through 1948 it appropriated more than the President requested in ten years and reduced his request in five years. In seven New Deal years allocations from emergency funds were added to appropriations.

The net picture is one of the congressional subcommittees floundering in a morass of detail, unable to provide effective oversight but at the same time jealous of their authority. The Army really makes the significant decisions of major emphases, and unless the Budget Bureau provides effective scrutiny, the Army is almost unchecked on the large matters and on most of the details.

Professor Huzar recommends more staff for the subcommittees, changes in the organization and procedures of Congress, and more stress on the wisdom of military programs rather than preoccupation with their efficiency and expense. He develops his recommendations with cogency.

Senator Truman in 1943, as reported by Professor Huzar, declared that the armed services "know how to waste money better than any other organization I have ever had anything to do with. They do an excellent job on the waste side. . . . I could stand here all afternoon and give example after example showing that tremendous sums of money are simply being thrown away with a scoop shovel." Until Congress becomes efficient, it seems to be up to President Truman and his Budget Bureau to check waste and also to question the larger program proposals of the armed services. Congress will continue to do what it does well; that is, to provide a laymen's questioning that might at any time in its unsystematic approach hit upon sensitive faults.

JAMES L. MCCAMY.

University of Wisconsin.

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This comparative study makes available much material not easily accessible elsewhere. Part I surveys the evolution of the right to organize and the extent of protection of this right in Europe and the United States, with a section on government and managerial personnel. Part II deals with compulsion to organize, policies of unions, management and governments in relation to such pressure, freedom of choice among unions, and "the right to work." The summary chapter is factual, avoiding explicit conclusions as to policy.

Most American students are more familiar with British developments than with those on the continent. Toleration of unions by legislation began in the German area and in France in the 1860's, and it was established in Sweden by agreement of employers and unions before legislation. European statutory protection of the right to organize has been most specific in Sweden, but both in France and under the Weimar Republic infringements of the right to organize could be remedied in court.

The second and larger part of the book, dealing with compulsion to organize, attempts to explain the different attitudes and policies in the United States and Europe. A contrast is drawn between the "voluntarism" of European unions, which have not in general sought exclusive bargaining rights or the exclusion of non-members or members of other unions, and the American system of opposition to dual unionism, desire for "union security," and legal establishment of majority rule in the choice of "sole bargaining agent." For the most part the closed shop has not been an issue in Europe, but in several countries courts have protected individual non-union workers in their "right to refrain" from joining a union, and have rejected exclusive agreements "as incompatible with the right to work and freedom to organize."

Since this discussion treats union, management and government policies separately, there is considerable repetition and some lack of clarity in the treatment of topics. There is a tendency, also, to present arguments and generalizations without sufficient identification by country, so that one asks who? how many? where? This reviewer has the impression that some of the discussion of European policies and experience is unduly colored by the controversial American overtones of such a concept as "the right to work." While no specific conclusions are drawn, the implication is strong that continental systems are preferable in maintaining individual free choice of unions, even when it means bargaining with multiple unions representing workers of the same work group. It follows that the American policy of majority rule in collective bargaining is questionable, and that trends in American policy towards prohibition or limitation of union-security agreements are sound. This reviewer is not convinced that adequate understanding of American experience would fully support this implication. An index and a list of cases cited are included, but the lack of a bibliography is regrettable.

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Vassar College.

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Future students of the history of the period 1894–1944 will have a treasury of rich material in this invaluable work of Dr. Frank Mann Stewart. In his painstaking and thorough recounting of the history of the National Municipal League, Dr. Stewart has presented a panorama of persons and events which masterfully shows the significant and encouraging changes from the status of government, prompting the oft-cited words of James Bryce in 1888, to the vastly improved conditions existing today in many American states and probably in most local governments.

The prodigious labor involved in compiling this history with its vast amount of factual material and copious notes and references has not kept it from being preeminently readable and enjoyable, and the author's skilful organization of the material which is thoroughly indexed and abundantly supplemented is to be commended. The chapter arrangement is developed to give the general reader as well as the specialist sufficient background before he traces the actual history of the League, which is treated in a functional as well as a chronological manner.

The impressive roster of personalities in the League's history, which covers in fact the transition period in American government from the era of the amateur reformer to that of the professionally trained student of government, is effectively woven into the narrative.

The number of public-spirited and devoted participants in the League's work to the present time is a large one, and in this reviewer's opinion, none has been neglected by Dr. Stewart. Such names as that of Richard S. Childs, credited with being the originator of the council-manager plan, A. R. Hatton, John A. Fairlie, Charles A. Beard, Charles E. Merriam and W. B. Munro are outstanding. The five able and effective secretaries from Clinton Rogers Woodruff to the present incumbent, Alfred Willoughby, are credited with their several parts in developing and advancing the League's program, and the important roles of Dr. and Mrs. Thomas H. Reed as directors of surveys in the history of municipal reform are properly high-lighted, as well as are probably less known but perhaps no less useful workers over the years such as George H. Hallett, Jr., Walter J. Millard, and Elsie S. Parker.

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These days some people want to reform a recalcitrant world from the top—via world government. Others would begin at the bottom. This reviewer, believing that the bottom is at least as important as the top, finds himself quite interested in Baker Brownell's most recent work.

To Brownell the hope of democracy—and more than that, of the whole world—lies in a non-Marxian political and social reorientation toward what he calls the "human community": "Survival in any form that matters is the survival of the small community in its implicit freedom, friendliness, and fullness of human association."

Opposed to the "oneness" of the human community the author sees the "culture of specialism." In several cogently argued chapters he accuses educators, philosophers, scientists, and even the clergy of developing the latter at the expense of the former.

However, despite the indictment of the trends of modern technology, and despite an appealing and powerful presentation of the possibilities of industrial decentralization and small-town and rural-oriented living, the author still leaves the principal problem anything but wholly resolved: namely, how—even if we want to—are we going to disentangle modern civilization from its industrial, artistic, religious, and educational assembly lines and achieve the "human community?"

One can agree with Brownell about the desirability or undesirability of many things and still be stumped by the manipulative problem. The best that Brownell can suggest to make his ideal a reality is the political decentralization of more TVA's, an extreme industrial decentralization, and a reversing of rural tendency. That these are enough is questionable in the face of the likelihood of tremendous population increases and the necessity for an increasing industrialization if these populations are to be fed.

Underneath all the discussion of the development of a better life at the grass roots lies the ancient Malthusian dilemma—to which the author seems strangely ambivalent. He condemns the urban community for parasitically utilizing the excess population of the rural community; yet he seems uncertain whether the excess population which might be expected from the human community is a good thing.

This study highlights once more an old problem, recognition of which in America perhaps commenced with the anti-urbanism of Thomas Jefferson. More recently Sebastian de Grazia, George B. de Huszar, David Lilienthal, some of the Southern agrarians, and others have also discussed the problems and prospects of democracy at the grass roots. In Brownell's case, the author's experience as director of the well known Montana studies in rural reorientation has stood him well and there is a kind of practicality about the book that belies the philosophical connections of the author. While no complete blueseven New Deal years allocations from emergency funds were added to appropriations.

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PAUL P. VAN RIPER.

Northwestern University.

BOOK NOTES, NOTICES AND ARTICLES

AMERICAN GOVERNMENT AND POLITICS

Charles Evans Hughes and the Supreme Court. By Samuel Hendel. (New York: King's Crown Press, Columbia University. 1951. Pp. xii, 337. $4.50.)

This is a book by one who knows both his law school and his political science law and whose literary style is better than we have been led to expect from either camp. Nevertheless, the total effect is "choppy," because the book is essentially a case by case analysis of numerous Hughes opinions. In that analysis the lawyer in Mr. Hendel prevails, which is all to the good as there is plenty of evidence of top-flight legal craftsmanship. One might have hoped, however, that the author, as a political scientist, would do more to tie the opinions together to show a philosophy, or lack of it, behind them. In the inevitable picking and choosing of cases for discussion, the late Chief Justice's most passionate admirer could not have done much better to show him at his best. Duly recognizing that the "Chief" was a leader in the judicial fight for civil liberty, Mr. Hendel fails to consider why Hughes never mentioned the "clear and present danger" rule—a fact rich in implication. We are shown the severe strictures on the administrative process, but there is no discussion of one of the most critical areas of constitutional law—state taxation of national commerce. This whole subject is brushed aside with an eighteen-word quotation from Attorney General Jackson to the effect that Hughes was not as generous to the states as he might have been. *McGoldrich v. Berwind-White* is mentioned only in a footnote. On the whole Holmes' "old fox" comes off somewhat better than is fitting for one who sat with a McReynolds and a Brandeis and could not make up his mind between them. Where Mr. Hendel generously observes that the "Chief" stood "as a kind of heroic and, in a sense, tragic figure, torn between the old and the new, seeking at first to stem the tide but then relentlessly caught up and moving with it," I remember (with the author) Hughes' letter to the Senate, backed by a timely switch of position on the bench. That the letter and switch (along with that of Mr. Justice Roberts) pretty certainly saved nine, is now generally conceded—and one would have to be more naïve than is permissible to suppose that Hughes intended otherwise. Professor E. N. Cahn thinks that "it was just as fortunate that Roosevelt lost the battle as that he won the war, and it was Charles Evans Hughes more than anyone else who brought about both of these ends." All that may be true, but what is due the arsonist who puts out his own fire? Posterity has special laurels for the judge who feels and accommodates the *Zeitgeist.* It may respect the judge who holds to the established law, for stability is an important element of justice. But does it linger long with those who bring upon themselves, and then submit to, political pressure?—Wallace Mendelson, *The University of Tennessee.*

A Guide to the Microfilm Collection of Early State Records. PREPARED BY THE LIBRARY OF CONGRESS IN ASSOCIATION WITH THE UNIVERSITY OF NORTH CAROLINA. COLLECTED AND COMPILED UNDER THE DIRECTION OF WILLIAM SUMNER JENKINS; EDITED BY LILLIAN A. HAMRICK. (Washington D. C.: Library of Congress Photoduplication Service. 1950. Pp. xxxviii, 762. $5.00.)

For various periods from the earliest time of organized government in the different American states to varying terminal dates, continuous files of legislative journals, session laws, statutes and constitutional convention records scarcely ever exist, particularly for the first two groups. In the several notable collections of state public documents, there are many deficiencies during the earlier periods. Whole editions of legislative journals seem to have disappeared beyond all hope of recovery. Occasional volumes appear in such distant places as the British Museum and the Public Record Office in London. Others appear at times only in private hands. For some periods, even manuscript originals and the contemporary newspapers seem to have vanished. In carrying out some investigations, Mr. Jenkins was so impressed with the situation and the need for a remedy that a State Records Microfilm Project was set up in 1941 as the result of cooperation between the Library of Congress and the University of North Carolina. With the exception of several years during the war, he has been on the Project so far as time permitted, doing field work in each of the forty-eight states. With portable equipment, he has been able to microfilm all pieces needed to make a remarkably complete record. The resulting *Guide* is an inventory in systematic form of the files assembled on about 1700 reels of film. Under each state is included for every series as complete a file as could be assembled—printed official editions, as well as manuscript originals or newspaper or other contemporary records when printed originals do not seem to exist. In addition, Jenkins has included two sections (executive records and court records) reproducing related manuscript materials. Locations are given for the material microfilmed. Copies of these reels, which can be acquired in part or in whole, make it possible to overcome most of the hitherto existing difficulties in carrying on investigations in the public official records during the earlier periods of American state, colonial and territorial government. In some instances, the *Guide* calls attention to the absence still of all trace of the contemporary record in any form. Focussing attention on these remaining deficiencies may stimulate action towards further search in the various states. For instance in Virginia, the State Library has located the manuscripts of seven Senate journals, 1792–1802, not found in print, which it is planning to publish.—JAMES B. CHILDS, *Library of Congress.*

American State and Local Government. BY CLYDE F. SNIDER. (New York: Appleton-Century-Crofts, Inc. 1950. Pp. xiv, 639. $5.00.)

Though Professor Snider's *American State and Local Government* is another textbook among many in the field of state and local government and typical in many ways, it is refreshing to see that the author has accorded so much attention to local government, long neglected by most writers in the field. Particularly important also is the treatment given to intergovernmental relations—so essential if one is to understand in true perspective our form of government and its changing nature. Professor Snider devotes some sixty pages to this problem. Chapter II deals with the states in the federal union; Chapter III with state-local and national-local relations; Chapter IV with interstate and interlocal relations. The student is given a clear insight into the workings of our federal form of government and the rôle played therein by the central, state, and local governments. It seems, however, that the author does not discuss sufficiently "trends" and "present outlook." An introductory chapter on the history and development of American state government might prove valuable. As the author admits, too much attention is given to factual data, a practice which makes the book typical of many textbooks in this field. He felt this to be necessary as no book of readings is available. His dilemma is understandable, but if the facts presented are to be worthwhile, more space should be devoted to trends and development, as well as to interpretation of the facts given. However, it is true that in most instances the author has presented his facts in a very readable and interesting fashion.—EMMETT ASSEFF, *Louisiana State University.*

Church Lobbying in the Nation's Capital. BY LUKE EUGENE EBERSOLE. (New York: Macmillan Company. 1951. Pp. xi, 195. $2.75.)

Includes a description of present-day Protestant, Catholic and special cause lobbies; an account of the methods which church lobbies employ to influence federal legislation; and an analysis of the interests which they seek to promote. An introductory chapter discusses illustrative earlier church lobbies. The author is a University of Maryland sociologist.

Revolt of the Rednecks; Mississippi Politics 1876–1925. BY ALBERT D. KIRWAN. (Lexington: University of Kentucky Press. 1951. Pp. xii, 328. $4.50.)

A detailed account of the struggle of the poor hill farmers to gain control of the state Democratic party, and of their two decades in power. Interesting studies of Vardaman and Bilbo. The author is a University of Kentucky historian.

The Papers of Thomas Jefferson: Volume 2, January 1777 to June 1779; Volume 3, June 1779 to September 1780. EDITED BY JULIAN P. BOYD. (Princeton: Princeton University Press. 1950; 1951. Pp. xxiv, 667; xxxiii, 672. $10.00 each.)

Volume 2 is primarily concerned with Jefferson's work in remolding the legal structure of Virginia, and contains the Report on Revisal of the Laws. Volume 3 covers over half of his two-year service as Governor of Virginia, and relates primarily to military matters.

Principles and Problems of American National Government. BY JOHN M. SWARTHOUT AND ERNEST R. BARTLEY. (New York: Oxford University Press. 1951. Pp xi, 700. $4.25.)

Oregon State College and University of Florida political scientists present another textbook in American National Government. Its organization is generally orthodox except for the final section, devoted to the line functions of the national government.

The Theory and Practice of American National Government. BY CARL BRENT SWISHER. (Boston: Houghton Mifflin Company. 1951. Pp. viii, 949, xix. $5.00.)

Another newcomer in the American government textbook field. Relatively orthodox in structure, it stresses theoretical issues more than most texts in the field, without, however, slighting programs and mechanism.

American Government; National, State and Local. BY CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Company. 1951. Pp. xx, 1068. $5.00.)

A rearrangement and revision of the fifth edition of *Government in the United States,* this time following the national-state-local sequence of presentation. There are many more charts and tables than in former editions.

American National Government. BY CLAUDIUS O. JOHNSON. (New York: Thomas Y. Crowell Company. 1951. Pp. xix, 810. $4.25.)

Third edition of standard text, essentially an abridgement of the author's *American Government.* There is one new chapter and several others have been substantially revised.

American City Government and Administration. BY AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Company. 1951. Pp. xvi, 699. $4.50.)

Fifth edition of standard text, fourth edition 1946.

Great Issues; The Making of Current American Policy. BY NELSON M. BLAKE, W. FREEMAN GALPIN, HARRY SCHWARTZ, SIDNEY C. SUFRIN, PHILIP H. TAYLOR AND WARREN B. WALSH. EDITED BY STUART GERRY BROWN. (New York: Harper & Brothers. 1951. Pp. viii, 578. $3.00.)

An undergraduate text, viewing numerous great issues against the background of the struggle between communism and democracy. Revision of work originally printed privately in 1947. The authors and editor are social scientists at the Maxwell School of Citizenship and Public Affairs, Syracuse University.

A Preliminary Study of Government Management in North Carolina. BY ROMA SAWYER CHEEK. (Durham: Christian Printing Company. 1950. Pp. 127.)

A paper-bound monograph written by a staff member of the Department of Political Science at Duke University and published through the Office of the Governor of North Carolina.

Legislative Reapportionment. BY MARGARET GREENFIELD. (Berkeley: Bureau of Public Administration, University of California. 1951. Pp. 57. $1.25.)

A concise, timely survey of the situation with regard to reapportionment, dealing with both congressional and state legislative districts, in California and other states. One of a series of studies prepared by the Bureau of Public Administration at the request of California legislators.

The Politics of California; A Book of Readings. BY DAVID FARRELLY AND IVAN HINDERAKER. (New York: Ronald Press Co. 1951. Pp. viii, 320. $3.25.)

Designed to enrich and enliven the study of American government in California. Authors are UCLA political scientists.

Workmen's-Compensation in New Mexico. BY ROBERT W. THOMAS. (Albuquerque: University of New Mexico, Department of Economics. 1950. Pp. v, 179. $2.00.)

A detailed study made under the auspices of the University's Department of Economics. Considerable emphasis on administrative problems.

The Question of Autonomy for the United States Air Arm, 1907–1945. BY R. EARL MCCLENDON. (Maxwell Air Force Base, Alabama: Air University Library, Documentary Research Division. 1950. 2 parts. Pp. v, 317.)

Mimeographed edition, revised, of a useful historical study hitherto available only in a few typewritten copies.

The Italian Vote in Philadelphia between 1928 and 1946. BY HUGO V. MAILEY. (Philadelphia: University of Pennsylvania. 1950. Pp. x, 165.)

Doctoral dissertation in political science offering both statistical and analytical soundings in political behavior.

The Territorial Delegate to Congress and Other Essays. BY EVERETT S. BROWN. (Ann Arbor, Mich.: George Wahr Publishing Co. 1950. Pp. 192.)

Ten articles by a University of Michigan political scientist. The first, bearing the title of the volume, is a new contribution on the history and legal status of an office as old as the Federal Government. The other nine are reprints.

The Schools of Corporate Reform. BY HAROLD GILL REUSCHLEIN. (Pittsburgh: University of Pittsburgh Press. 1950. Pp. xii, 117. $2.50.)

A University of Pittsburgh law professor analyzes and evaluates the various schools of thought on the modification of the corporation in the United States. Foreword by Senator O'Mahoney.

Executive Action. BY EDMUND P. LEARNED, DAVID N. ULRICH AND DONALD R. BOOZ. (Boston: Harvard Business School. 1951. Pp. xiii, 218. $3.25.)

Discussion of some of the practical aspects of business administration by three staff members of the Harvard Graduate School of Business Administration.

Economics of National Security. EDITED BY GEORGE A. LINCOLN, WILLIAM S. STONE, AND THOMAS H. HARVEY. (New York: Prentice-Hall, Inc. 1950. Pp. xvi, 601. $5.00.)

A textbook, attempting to survey comprehensively the various economic factors—manpower, raw materials, industry, transportation, procurement, stabilization, etc.—relevant to our present policy. The book is the corporate effort of the members of the Department of Social Sciences, USMA.

Friend of the People; The Life of Dr. Peter Fayssoux of Charleston, South Carolina. By Chalmers G. Davidson. (Columbia: The Medical Association of South Carolina. 1950. Pp. vii, 151. $2.75.)

Surgeon-General and Chief Physician for the Southern hospital during the Revolution, Fayssoux became an Anti-Federalist leader in the South Carolina legislature and in the state Constitutional Convention.

La Crise de L'État aux États-Unis. By Roger Pinto. (Paris: Librairie Générale de Droit & de Jurisprudence. 1951. Pp. 248.)

Discusses the "new" federalism, the reform of Congress, executive reorganization, the decline of judicial review, and the protection of individual liberties. The author is professor at the University of Lille School of Law.

ARTICLES AND DOCUMENTS ON

AMERICAN GOVERNMENT AND POLITICS

J. ALTON BURDINE AND EMMETTE S. REDFORD

University of Texas

ARTICLES

National Government

Corwin, Edward S. The President's Power. *New Republic.* January 29, 1951.

Graham, George A. The Presidency and the Executive Office of the President. *Journal of Politics.* November, 1950.

Nealon, Rita W. The Opinion Function of the Federal Attorney General. *New York University Law Review.* October, 1950.

Schubert, Glendon A., Jr. Judicial Review of the Subdelegation of Presidential Power. *Journal of Politics.* November, 1950.

Tweed, Harrison. Provisions of the Constitution Concerning the Supreme Court of the U. S. *Boston University Law Review.* January, 1951.

State Government

Clark, Charles E. and Clark, Elias. Court Integration in Connecticut: A Case Study of Steps in Judicial Reform. *Yale Law Journal.* December, 1950.

Council of State Governments. State Reorganization in 1950. 1950.

Figg, Robert McC. State Reorganization in South Carolina. *South Carolina Law Quarterly.* December, 1950.

Gibbs, Clayton R. State Regulation of Lobbying. Council of State Governments. 1951.

Glosser, Lauren A. The Ohio Program Commission; A New Approach to Legislative Studies. *State Government.* February, 1951.

Governors' Messages—1951. *State Government.* March, 1951.

Hargrove, John H. Trends in State Taxes, Oklahoma and Other States. Oklahoma Industrial Development Council and Bureau of Business Research. 1950.

Kammerer, Gladys M. The Development of a Legislative Research Arm. *Journal of Politics.* November, 1950.

Paschal, J. Francis. Minimum Standards of Judicial Administration in North Carolina. *North Carolina Law Review.* December, 1950.

McCoy, Philbrick. Judicial Selection and Judicial Conduct: A Preliminary Report of the Survey of the Legal Profession. *Southern California Law Review.* December, 1950.

Roberts, Harold S. Making Hawaii's Constitution. *State Government.* December, 1950.

Toepel, M. G. The Legislative Reference Library: Serving Wisconsin. *Wisconsin Law Review.* January, 1951.

Local Government

Alexander, Robert E. and Bryant, Drayton S. Rebuilding a City; A Study of Redevelopment Problems in Los Angeles. Haynes Foundation. 1951.

Axelrod, Allan. Home Rule. *Nebraska Law Review.* January, 1951.

Bartholomew, Harland. Development and Planning of American Cities. Carnegie Institute of Technology. 1950.

Bogue, Donald J. Metropolitan Decentralization; A Study of Differential Growth. Scripps Foundation Studies in Population Distribution. 1950.

Bollens, John C. Administrative Integration in California Counties. *Public Administration Review.* Winter, 1951.

Crouch, Winston W. Direct Legislation Laboratory. *National Municipal Review.* February, 1951.

Citizens' Governmental Research Bureau. Citizens at Work. Milwaukee. 1950.

Forbes, Russell, and members of the staff of Public Administration Service. Purchasing for Small Cities. 1951.

Reed, Thomas H. Hope for "Suburbanitis." *National Municipal Review.* December, 1950.

Intergovernmental Relations

Bailey, William V. Do State and Federal Grants-in-aid Mean the End of Strong Local Government? *Virginia Municipal Review.* January, 1951.

Carlisle, Douglas H. The Silence of Congress. *South Carolina Law Quarterly.* December, 1950.

Limitations on State Judicial Interference with Federal Activities. *Columbia Law Review.* January, 1951.

Weakley, Leonard A. The West Virginia Compact Decision. *State Government.* December, 1950.

Constitutional Law

Clear and Present Danger Re-examined. *Columbia Law Review.* January, 1951.

Congressional Investigations. *Illinois Law Review.* November–December, 1950.

Crawford, Earl T. The Legislative Status of an Unconstitutional Statute. *Michigan Law Review.* March, 1951.

Farrerly, David G. Justice Harlan's Dissent in the Pollock Case. *Southern California Law Review.* February, 1951.

Giles, Robert E. Federal Jurisdiction—Political Question—Justiciability of Political Rights. *North Carolina Law Review.* December, 1950.

Gregory, Charles O. Constitutional Limitations on the Regulation of Union and Employer Conduct. *Michigan Law Review.* December, 1950.

Heyler, Grover R. Privilege Against Self-Incrimination in Federal Grand Jury Proceedings. *California Law Review.* December, 1950.

Kupferman, Theodore R. and O'Brien, Philip J., Jr. Motion Picture Censorship—The Memphis Blues. *Cornell Law Quarterly.* Winter, 1951.

Stone, David O. Equality of Voting Power as a Constitutional Right: the Georgia County Unit Case. *Syracuse Law Review.* Fall, 1950.

Ramsey, Mary Louise. Federal Control over Reserves of State Banks. *Columbia Law Review.* December, 1950.

Whalen, Frank J., Jr. Punishment for Crime: The Supreme Court and the Constitution. *Minnesota Law Review.* January, 1951.

Public Administration and Administrative Law

Cahill, George. Administrative Agencies, Also Some Minnesota and Wisconsin Comparisons. *Marquette Law Review.* Fall, 1950.

Hafstad, Lawrence R. Science and Administration. *Public Administration Review.* Winter, 1951.

Sayre, Wallace S. Trends of a Decade in Administrative Values. *Public Administration Review.* Winter, 1951.

Dreese, Mitchell and Stromsen, Karl E. Factors Related to Rapidity of Rise of Interns in the Federal Service. *Public Personnel Review.* January, 1951.

McKinley, Charles. Federal Administrative Pathology and the Separation of Powers. *Public Administration Review.* Winter, 1951.

Political Parties, Elections, and Public Opinion

Brand, George E. Selection of Judges—The Fiction of Majority Election. *Journal of the American Judicature Society.* February, 1951.

Goldman, Ralph M. Congress on the Air. *Public Opinion Quarterly.* Winter, 1950–51.

Hardin, Charles M. The Politics of Agriculture in the United States. *Journal of Farm Economics.* November, 1950.

Judah, Charles B. and Payne, Oliver E. New Mexico's Proposed Pre-Primary Designating Convention. Department of Government, University of New Mexico. 1950.

New York State Chamber of Commerce. Voter Participation in New York and the Nation. October, 1950.

Reed, Thomas H. and Reed, Doris D. Evaluation of Citizenship Training and Incentive in American Colleges and Universities. Citizenship Clearing House. 1950.

Wilner, Daniel and Fearing, Franklin. The Structure of Opinion: A "Loyalty Oath" Poll. *Public Opinion Quarterly.* Winter, 1950–51.

Economic and Social Functions

National Economy

Parks, W. Robert. The Challenge of Research in Agricultural Political Science. *Land Economics.* November, 1950.

Patent Pooling and the Sherman Act. *Columbia Law Review.* December, 1950.

Resale Price Maintenance and the Anti-Trust Laws. *University of Chicago Law Review.* Winter, 1951.

Trade Association Statistics and the Anti-Trust Laws. *University of Chicago Law Review.* Winter, 1951.

Labor

Farrar, Larston D. Labor Unions Look at Public Ownership. *Public Utilities Fortnightly.* February 15, 1951.

Forkosch, Morris D. Equity vs. Taft-Hartley Injunctions. *Temple Law Quarterly.* January, 1951.

Railroad Labor Disputes and the National Railroad Adjustment Board. *University of Chicago Law Review.* Winter, 1951.

Updegraff, Clarence M. Compulsory Settlement of Public Utility Disputes. *Iowa Law Review.* Fall, 1950.

Government Regulation

Auerbach, Carl A. Regulation of Motor Carriers in Wisconsin. *Wisconsin Law Review.* January, 1951.

Federal Price Control of Natural Gas Sold to Interstate Pipelines. *Yale Law Journal.* December, 1950.

Pedoe, Arthur. Federal versus State Supervision of Insurance—A Canadian View. *Law and Contemporary Problems.* Autumn, 1950.

The Impact of the FCC's Chain Broadcasting Rules. *Yale Law Journal.* January, 1951.

Willis, John W. A Short History of Rent Control. *Cornell Law Quarterly.* Fall, 1950.

Updegraff, Clarence M. A Half-Century of "No Progress": Iowa's Obsolete Public Utility Statutes. *Iowa Law Review.* Fall, 1950.

Education and Social Security

Boney, C. DeWitt. Is Our National Policy on Education Inadequate? *School Executive.* February, 1951.

Cohen, Wilbur J. Aspects of Legislative History of the Social Security Act Amendments of 1950. *Industrial and Labor Relations Review.* January, 1951.

Medical Care for Americans. *Annals of the American Academy of Political and Social Science.* January, 1951.

Perlman, Jacob. Changing Trends Under Old-Age and Survivors Insurance, 1935–1950. *Industrial and Labor Relations Review.* January, 1951.

Thurston, John L. First National Conference on Aging. *Industrial and Labor Relations Review.* January, 1951.

Civil Liberties

Epstein, Leon D. Justice Douglas and Civil Liberties. *Wisconsin Law Review.* January, 1951.

Frey, Donald S. Maintaining Economic Freedom Under the Defense Act of 1950. *University of Chicago Law Review.* Winter, 1951.

Harper, Fowler, and Haber, David. Lawyer Troubles in Political Trials. *Yale Law Journal.* January, 1951.

Heald, Robert L., and Tyler, Lyon L. The Legal Principle Behind the Amerasia Case. *Georgetown Law Review.* January, 1951.

Johnson, Claudius. Civil Liberties: The Citizens' Business. *Western Political Quarterly.* December, 1950.

Latham, Earl. The Theory of the Judicial Concept of Freedom of Speech. *Journal of Politics.* November, 1950.

Marcus, Philip. Civil Rights and the Anti-Trust Laws. *University of Chicago Law Review.* Winter, 1951.

Pennock, J. Roland. The Free Speech Doctrine: Some Doubts Resolved. *Western Political Quarterly.* December, 1950.

Putzel, Henry. Federal Civil Rights Enforcement: A Current Appraisal. *University of Pennsylvania Law Review.* January, 1951.

Shipley, Carl Layton. Radio, Political Speeches, and the Law of Libel. *Federal Bar Journal.* January, 1951.

The New York and California Experiments with Academic Control. *University of Chicago Law Review.* Winter, 1951.

Military Affairs and National Security

Armstrong, Paul G. Selective Service, Its History and Its Functions. *State Government.* December, 1950.

Gordon, Charles. The Immigration Process and National Security. *Temple Law Quarterly.* January, 1951.

Rossiter, Clinton. What of Congress in Atomic War? *Western Political Quarterly.* December, 1950.

Schuschnigg, Kurt. Judicial Administration and National Defense—A Lesson from Central Europe. *Journal of the American Judicature Society.* October, 1950.

Sutherland, Arthur E., Jr. Freedom and Internal Security. *Harvard Law Review.* January, 1951.

Wright, C. E. Civil Defense Begins at Home. *Public Utilities Fortnightly.* February 15, 1951.

Wurfel, Seymour W. Military Habeas Corpus: I and II. *Michigan Law Review.* February and March, 1951.

GOVERNMENT DOCUMENTS

Congress

Joint Committee on Defense Production. Defense Production Act, Hoarding and Strategic Materials. Hearing. 81st Cong., 2nd sess. December 20, 1950.

Joint Committee on the Economic Report. General Credit Control, Debt Management, and Economic Mobilization. 82nd Cong., 1st sess. 1951.

House. Committee on Banking and Currency. Temporary Extension of Rent Control. Hearings. 81st Cong., 2nd sess. December 4, 1950.

——— Committee on Education and Labor. Federal Assistance for Educating Children in Localities Affected by Federal Activities. Report of Special Investigating Subcommittees. 1950.

——— ——— The Effect of Imports on Employment. Hearings, Special Subcommittee, 81st Cong., 2nd sess. 1951.

——— Committee on Foreign Affairs. Background Information on the Use of United States Armed Forces in Foreign Countries. 1951.

——— Committee on the Judiciary. Amend the Constitution with Respect to Election of President and Vice President. Hearings before Subcommittee. 81st Cong., 1st sess. 1950.

——— Committee on Un-American Activities. Annual Report. 1951.

——— ——— Guide to Subversive Organizations and Publications. 1951.

——— ——— Hearings Regarding Communist Espionage. 81st Cong., 1st and 2nd sess. 1951.

——— Select Committee on Lobbying Activities. General Interim Report. 1950.

——— Select Committee on Small Business. Functional Operation of the Federal Trade Commission. Hearings. 81st Cong., 2nd sess. June 26, 27, and 28, 1950.

Senate. Committee on Armed Services. Federal Civil Defense Act of 1950. Hearings before a Subcommittee. 81st Cong., 2nd sess. 1950.

——— ——— Federal Civil Defense Act of 1950. Hearings before a Subcommittee. 81st Cong., 2nd sess. 1951.

——— ——— Universal Military Training and Service Act of 1951. Hearings before the Preparedness Subcommittee. 82nd Cong., 1st sess. 1951.

——— Committee on Banking and Currency. Defense Housing Act. Hearings. 82nd Cong., 1st sess. 1951.

——— Committee on the District of Columbia. Investigation of Wire-Tapping. Hearings before the Subcommittee to Investigate Wire Tapping in the District of Columbia. 81st Cong., 2nd sess. 1951.

——— Committee on Expenditures in the Executive Departments. Emergency Powers of the President. Hearings. December 20, 1950 and January 23, 1951.

——— ——— Intergovernmental Relationships between the United States and the States and Municipalities; A Review of the Federal Grants-in-aid Programs for the Fiscal Year 1950. 82nd Cong., 1st sess. 1951.

——— Committee on Labor and Public Welfare. Physically Handicapped Children's Education Act of 1950. Hearings before a Subcommittee. 81st Cong., 2nd sess. May 16, 17 and 18, 1950.

——— ——— State Court Injunctions. Report of the Subcommittee on Labor-Management Relations. 81st Cong. 1951.

——— ——— United Medical and Hospital Administration Act. Hearings before the Subcommittee on Health. 81st Cong., 2nd sess. July 10, 11 and 12, 1950.

——— Committee on Post Office and Civil Service. Bills to Implement Recommendations of the Commission on Organization of the Executive Branch of the Government. Hearings. 1951.

Federal Agencies

Bureau of Agricultural Economics. A Chronology of the War Food Administration, including predecessor and successor agencies, August 1939 to December 1946. 1950.

Bureau of the Budget. Techniques for the Development of a Work Measurement System. March, 1950.

Department of Labor. A Short History of the Department of Labor. 1950.

——— Bureau of Labor Statistics. Fact Book on Manpower. 1951.

Housing and Home Finance Agency. A Summary of the Evolution of Housing Activities in the Federal Government. 1951.

——— Selected References on Housing of Minorities. 1950.

National Archives. Federal Records of World War II. V. I—Civilian Agencies. 1950.

Office of Education. State Boards of Education and Chief State School Officers; The Status and Legal Powers. 1950.

President's Water Resources Policy Commission. A Water Policy for the American People. Summary of Recommendations. 1950.

FOREIGN AND COMPARATIVE GOVERNMENT

Das Parlamentarische Regierungs-system in Deutschland, Grossbritannien und Frankreich. By Friedrich Glum. (Munich: C. H. Beck. 1950. Pp. xi, 414.)

This is an interesting and in some ways challenging study of the comparative workings of the parliamentary system in Germany, Great Britain and France. Quite logically, and contrary to the title, Professor Glum begins his analysis with Great Britain, basing it upon the older work of writers such as Redlich, Hatschek, Maitland, and Trevelyan, as well as Bagehot, to whom Glum assigns central importance. His judgment that Ivor Jennings has not got significantly beyond Bagehot will surprise British and American students. The French parliamentary system is discussed in terms largely derived from Esmein; little use has been made of the recent writings on the new constitution, such as those of Burdeau, Duverger, or La Ferrière, or of modern critics, such as Debré. Still, the author succeeds with these limited resources at his disposal to formulate an essentially sound appraisal of the French system. The greatest interest attaches, of course, to Glum's discussion of the German parliamentary system, its past difficulties and its future prospects. To this task the author wisely devotes well over half of his book. He analyzes the theory of the parliamentary system in Germany, the introduction of the system in Germany, the original concept of it under the Weimar constitution, the different way in which it actually worked and the proposals for surmounting its crisis. At this point, Professor Glum enters upon a discussion of the system of proportional representation which he, in keeping with Professor Hermens' thorough studies, looks upon as centrally involved in the failure of German parliamentary government. He writes: "There can be no question at all that if we had not had the proportional electoral system, we would not have experienced the largest part of the difficulties from which the Weimar Republic suffered . . . . We would have been spared National Socialism." In two further chapters, Professor Glum analyzes the system provided by the Bonn Basic Law and its probable future. Unlike other writers, including this reviewer, the author takes a critical view of those provisions which require agreement among the opposition for the overthrow of the government and, as a corollary, concentration of responsibility in the chancellor. He sees these provisions as illustrating a "one-sided legal method for solving political problems" (p. 328), which he thinks is an unfortunate German heritage. He regrets especially that this method prevented elimination of the proportional system of elections, even though Germany did not return to the extreme form of the Weimar Republic. In light of this analysis, Professor Glum confesses himself to be considerably worried about the possible future development of radical extremist parties. In a concluding chapter, the author undertakes to evaluate the significance of the parliamentary system for our time. In spite of acknowledging the appeal of the Swiss system, he is prepared to recognize the parliamentary system as probably workable under the conditions found in the countries under review, but not unless certain basic educational efforts lead to a broader recognition of political rights for all, and a general acceptance of the Christian way of life. The author, in this connection, regrets that the Western occupation powers, especially the United States, did not retain their original goal of building democracy from the grass roots (p. 361), but instead adopted a system of dual authority which made German politicians and administrators appear in the light of stooges of the occupation authorities. One may be ready to agree with the underlying conception involved in such a criticism, and yet be permitted to ask: did the split between East and West permit the Western Allies to pursue such a long range policy? In the light of recent events, doubts on this score have been intensified, and one can only hope that the very exigencies under which the Germans are laboring will force them to develop a deeper appreciation of the advantages of a free constitutional system than a majority of them have had in the past.—Carl J. Friedrich, *Harvard University.*

The Reorganization of Provincial-Municipal Relations in Nova Scotia. 2 volumes with supplement, *Provincial-Municipal Relations in Other Provinces,* and bibliography. Prepared by the Nova Scotia Municipal Bureau, Donald C. Rowat, Director of Research. (Halifax: Institute of Public Affairs, Dalhousie University. 1949. Pp. vii, 336, 105.)

This report is based upon a study undertaken at the request of the Government of Nova Scotia by the Nova Scotia Municipal Bureau under the direction of the late Dr. Lothar Richter. However, the final report is primarily the responsibility of Donald C. Rowat. The report covers in some detail the units and areas of local government in Nova Scotia, local finance and provincial aid, local organization and administration, and provincial-local relations. It is impossible to summarize and evaluate in a short space the many recommendations the report makes, but a few of the report's characteristics may be of general interest. The most striking feature of the study to a citizen of the United States is the fact that the government of Nova Scotia is interested in local government reorganization. Certainly no states are greatly interested in the subject. Nor is Nova Scotia an isolated example; for instance, the Goldenberg Report of British Columbia of a few years ago also presented a general program of local government reform. The report contains excellent information on local government organization and finance and provincial-local relations in the seven largest Canadian provinces. Forming Volume III of the study, this information should be useful generally to anyone interested in Canadian local government. There is nothing new or novel in the methods of research underlying the report or in its conclusions or recommendations. The principal recommendation is for a system of regional units of local government designed to enlarge inadequate local units and areas. As a whole the report appears to carry out its purpose, that is, to present a well-thought-out program of action for local reorganization to the provincial government.—EDWARD W. WEIDNER, *Michigan State College.*

Soviet Trade Unions; Their Place in Soviet Labour Policy. BY ISAAC DEUTSCHER. (New York: Royal Institute of International Affairs. 1950. Pp. ix, 156. $1.75.)

The quality of this volume is what one would expect from the author of *Stalin: A Political Biography.* Mr. Deutscher has managed to compress into a brief space all the essential factual material relating to Soviet trade unionism, and to delineate clearly the nature of this important institution. After emphasizing the insignificance of trade unions in pre-revolutionary Russia, which prevented their playing a decisive role in the revolution, he traces the early attempts of Lenin, Trotsky and other Soviet leaders to reconcile the "production" and "consumption" points of view, that is, to determine whether the chief purpose of trade unions in a socialist state should be to increase output or to protect the narrower economic interests of workers. Particularly interesting is the analysis of the discussion of this question at the Tenth Communist Party Congress in 1921. All doubts were resolved at the inception of the first five year plan, when Stalin, ironically enough, adopted the point of view that had earlier been espoused by Trotsky, and brought the trade unions completely under control of the State. Thereafter they functioned basically as government agencies, though they retained some of the functions associated with democratic trade unionism. Mr. Deutscher concludes with a well-taken warning that the course of events in Russia is not necessarily proof that "in a planned economy there is little or no scope for normal trade union activity, especially for the defense of the workers' interests against the employer-state"; the special conditions of Soviet industrialization and the cultural background of Russia render extrapolation of the Soviet experience dangerous. This is a thoroughly admirable book, and it is required reading for anyone who desires an understanding of contemporary Russia.—WALTER GALENSON, *Harvard University.*

Constitutional Law; An Outline of the Law and Practice of the Constitution, Including Central and Local Government and the Constitutional Relations of the British Commonwealth and Empire. BY E. C. S. WADE AND G. GODFREY PHILLIPS. (New York: Longmans, Green and Company. 1950. Pp. xxix, 535. $7.00.)

Fourth edition of standard commentary on the British constitution. The revision is entirely by the senior author, who is Downing professor in the Cambridge Law School.

A Hundred Years of English Government. BY K. B. SMELLIE. (New York: Macmillan Company. 1950. Pp. 362. $3.75.)

Second edition of work first published in 1937. The author is a University of London political scientist.

The General Election in Glasgow February, 1950; Essays by Members of the Staff of the University of Glasgow. EDITED BY S. B. CHRIMES. (Glasgow: Jackson, Son & Company. 1950. Pp. xi, 189. 15/-.)

Probably the most intensive field study of a political campaign ever undertaken in the British Isles. Fifteen parliamentary constituencies are examined with respect to economic and electoral composition, candidates, issues, campaign methods, and election results.

Generals and Politicians; Conflict between France's High Command, Parliament and Government, 1914–1918. BY JERE CLEMENS KING. (Berkeley & Los Angeles: University of California Press. 1951. Pp. 294. $3.50.)

Detailed, well-documented study of France's wartime conflict between civilian policy makers and military strategists. The author is a University of California, Los Angeles, historian.

Studi Sui Partiti Politici. BY GIUSEPPE D. FERRI. (Roma: Edizioni Dell'Ateneo. 1950. Pp. 180. L. 750.)

Three studies dealing with party organization in England, in the United States, and under the Italian Constitution, respectively. Monograph of the Institute of Public Law, Faculty of Jurisprudence, University of Rome.

Neuerwerbungen Mai 1945–Dezember 1948. BY INSTITUT FUER WELTWIRTSCHAFT AN DER UNIVERSITAET KIEL. (Kiel: Institut fuer Weltwirtschaft. August 1949. Pp. 258.)

135 consolidated lists (1945–1948) of new acquisitions of the Institute for Research in World Economics at Kiel University. This is Germany's outstanding library in the field of social sciences, and due to the foresight and initiative of its Director, Professor Guelich, it was evacuated in 1942 to Ratzeburg, Schleswig-Holstein, and thus remained unscathed. The bibliography amounts to a useful listing of German literature published in the field of social sciences in the first years following the war, and shows the Institute's success in renewing its world-wide contacts. F.T.E.

Politisches Jahrbuch der CDU/CSU, 1950. EDITED BY BRUNO DÖRPINGHAUS AND KURT WITT. (Frankfurt a.M.: K. G. Lohse. Pp. 336.)

In view of the role of the Christian Democratic Union (called Christian Social Union in Bavaria) in Germany today, this yearbook is a reference work of first importance for an understanding of German developments between 1945 and 1949, in all fields of public life. Among contributions which touch upon Germany's relations with foreign countries, the following may be mentioned: "International Law and Germany's Position Today," by Hermann von Mangoldt; "The Oder-Neisse Line," by Hans Lukaschek; "Government and Administration in Germany by the Occupying Powers," by Rudolf Crug; and "The Struggle of the Christian Democrats in the Soviet Zone," by Jakob Kaiser. F.T.E.

The Soviet Union; Background, Ideology, Reality. EDITED BY WALDEMAR GURIAN. (Notre Dame, Indiana: University of Notre Dame Press. 1951. Pp. vii, 216. $3.50.)

A symposium, the first publication in the series planned by the Committee on International Relations at Notre Dame, partially supported by a grant from the Rockefeller Foundation. Essays are contributed by the editor and by Michael Karpovich, Naum Jasny, Philip E. Mosely, Stephen Kertesz, Vladimir Petrov, N. S. Timasheff, and Francis Dvornik.

Pravo gosudarstvennoi sobstvennosti na zemliu v. SSSR [The Legal Status of Government-owned Land in the U.S.S.R.]. BY G. A. AKSENENOK. (Moscow: Gosud. izdatel'stvo juridicheskoi literatury. 1950. Pp. 307.)

A basic treatise on all legal aspects of the nationalization of land, dealing separately with the various categories of land: the United State Land Fund (edinyi gosud. zemel'nyi fond)—land for agricultural purposes; land with special designations (for instance, State enterprises, social organizations, etc., with no agricultural purposes); city-occupied lands; forests, lakes and rivers; and soil belonging to the State's land reserve. A publication of the Law Institute of the Academy of Sciences of the U.S.S.R. F.T.E.

Geography of the USSR; A Regional Survey. BY THEODORE SHABAD. (New York: Columbia University Press. 1951. Pp. xxxii, 584. $8.50.)

This valuable work contains a general survey of the physical setting, political framework and economic pattern of the USSR as a whole, and an intensive analysis of each major natural and economic region, including a description of the political administrative subdivisions. There are 55 maps. Among the tables is one giving the area and population of administrative-territorial divisions.

Iz istorii otechestvennogo fronta Bolgarii (Iul' 1942–Sentjabr' 1944) [From the History of the Bulgarian Fatherland Front]. BY L. B. VALEV. (Moscow: Akademiia Nauk SSSR. 1950. Pp. 103.)

Relates the political and economic history of Bulgaria since 1942 and the preparation of the coup d'état of September 9, 1944, under a form of government called monarchical-fascist dictatorship. It describes the organization of armed resistance, and provides a map illustrating the activities of the resistance movement between 1941 and 1944. Valev gives considerable information about the German attempts at economic penetration of the country during the war years and about Germanophile groups in Bulgaria. The Bulgarian People's Democracy is bluntly called one of the forms of the dictatorship of the proletariat. F.T.E.

Le procès de Traïtcho Kostov et de son groupe. (Sofia: Direction de la Presse. 1950. Pp. 622.)

Trial of the former Vice-President of the Council of Ministers and Secretary of the Central Committee of the Bulgarian Communist party. Due to the importance of the former positions of Kostov and of those of his co-defendants, the report of the trial contains abundant material on the history of the Bulgarian, Macedonian, and Jugoslav Communist parties between the world wars, and on Bulgaria's political and economic relations with Jugoslavia and the Soviet Union between 1944 and 1949. F.T.E.

Sur la voie de Guéorgui Dimitrov, en avant vers de nouveaux succès et de nouvelles *victoires*. By Valko Tchervenkov (Vulko Chervenkov). (Sofia: Direction de la Presse. 1949. Pp. 72.)

Report of the Secretary of the Executive Committee of the Bulgarian Communist Party at the 5th anniversary of the uprising which led to the change of government on September 9, 1944—four days after the Soviet declaration of war on Bulgaria. The account extols Soviet-Bulgarian friendship and outlines Bulgaria's economic development between 1944 and 1949. F.T.E.

Georgi Dimitrov, 1882–1949. By B'lgarski Bibliografski Institut. (Sofija: Botev. 1949. Pp. 122.)

Due to Dimitrov's role in the Reichstag Fire trial, the section, "Biographical materials" (pp. 16–19), deserves general interest. The pamphlet contains biographical data, a bibliography of Dimitrov's writings, and a bibliography of his obituaries. F.T.E.

Facts on Greek Local Government; A Preliminary Outline. By Civil Government Division, Economic Cooperation Administration. (Athens, Greece: Economic Cooperation Administration. 1950. Pp. ii, 102.)

A mimeographed pamphlet, mostly in outline form, containing a preliminary but detailed collection of facts concerning the structure, powers and procedures, and revenues and expenditures of Greek local government units. A foreword by H. F. Alderfer states that no similar compilation is available even in Greek. An appendix contains a list of tentative recommendations to the Minister of Interior of the Greek Government for the improvement of local government.

Korea: An Annotated Bibliography of Publications in Western Languages; Korea: An Annotated Bibliography of Publications in the Russian Language; Korea: An Annotated Bibliography of Publications in Far Eastern Languages. By Reference Department, Library of Congress. (Washington, D.C.: 1950. Pp. ix, 155; xi, 84; viii, 167. [Multilith.] $1.10; $0.65; $1.15. For sale by Card Division, Library of Congress.)

Valuable tool for research and understanding of the history and development of Korea. A considerable portion of each volume deals with sources on politics and government. Compiled by area, language and bibliographic specialists on the staff of the Library of Congress or acting as consultants.

The Population of India and Pakistan. By Kingsley Davis. (Princeton: Princeton University Press. 1951. Pp. xvi. 263. $7.50.)

An elaborate analysis and interpretation of Indian population data, covering data on birth and death rates, migration, urbanization, education, caste, religion, and the structure of the economy. Prepared under the editorial sponsorship of the Office of Population Research, Princeton University.

Report of the Eighth National Conference of the Socialist Party. Published by Nadhu Limaye, Joint Secretary. (Bombay. 1950. Pp. 253.)

A report on the Madras Conference, July 8–12, 1950. Essentially, it is an important document of Indian party history and internal policy. However, particular attention should be drawn to the addresses, discussions and resolutions concerning India's foreign policy, for example, the resolution directed against colonialism in Southeast Asia, demanding "immediate withdrawal of all foreign armies of occupation and other kinds of foreign intervention" from Indo-China and Malaya (pp. 78–82), and the declaration of sympathy with "the peoples of African countries like Tunisia, Morocco, Algeria and others who are struggling for freedom from imperial domination" and with the struggle of the people in the Portuguese and French settlements in India (Pondichery and Goa), appealing to the government of India to "take effective steps in order to end these remnants of foreign rule in India and restore to India political and territorial integrity" (pp. 82–85). An address by Rammanohar Lohia, Chairman of the Foreign Affairs Committee, advocates a socialist policy of building a "Third Camp" as a step toward World Government, and throws interesting sidelights on the attitudes of European and Near Eastern statesmen and socialist leaders towards the "Third Camp" idea. F.T.E.

All Through the Gandhian Era. BY A. S. IYENGAR. (Bombay: Hind Kitabs, Ltd. 1950. Pp. 327.)

Reminiscences of the editor of Reuters and the Associated Press of India (now the Press Trust), and Principal Information Officer of the Government of India, covering the period between 1915 and 1950. F.T.E.

Tratados y convenios de Colombia, 1938–1948. COMPILED AND EDITED BY NICOLÁS GARCÍA SAMUDIO. (Bogota: Imprenta Nacional. 1950. Pp. xvii, 772.)

Nicolás García Samudio has collected for the Ministry of Foreign Affairs of Colombia the Spanish text of the treaties signed, approved, and ratified by that country during the ten year period 1938–1948. The arrangement is in sixteen rather broad classes. Both preceding collections *Tratados públicos [1811–1919]*, by Antonio José Uribe, printed as vol. 6 of *Anales diplomáticos y consulares de Colombia*, and *Tratados y convenios de Colombia, 1919–1938*, by Eduardo Guzmán Esponda, are arranged chronologically. García Samudio, characterizing the period 1938–1948 as "sin duda uno de los más trascendentales en la vida de las naciones americanas," has further included a statement of the principal publications of Colombian treaties, 1826–1948, and has given at the end of the volume a chronological numbered list of the 357 Colombian treaties included in the three collections. According to Resolution no. 190, August 5, 1950, the Ministry of Foreign Affairs is to continue the numbering of the treaties in the future beginning with No. 358, and to issue them hereafter upon promulgation in the *Diario oficial* in separate pamphlets as a current treaty series. J.B.C.

L'influence des systèmes électoraux sur la vie politique. BY MAURICE DUVERGER. (Paris: Librairie Armand Colin. Published under the auspices of the Fondation Nationale des Sciences Politiques. 1950. Pp. 177.)

A collection of uneven articles. The introductory article attempts to analyze the influence of electoral systems on the number and structure, as well as on the representative character of political parties. The remaining articles are case studies dealing with the electoral systems of four continental countries, the United Kingdom and the United States.

Political Parties in Western Germany. BY ERNEST WILHELM MEYER. (Washington, D.C.: European Affairs Division, Library of Congress. 1951. Pp. 52.)

The second report written by Dr. Meyer of the University of Frankfurt in his capacity as Foreign Consultant to the Library of Congress, presenting a survey and a short analysis of the present-day German political scene.

Le Gouvernement parlementaire en Angleterre. By Harold J. Laski. (Paris: Presses Universitaires de France. 1950. Pp. 300.)

A translation of the author's well known *Parliamentary Government in England*, brought up to date (1949) by Laski himself in an introduction to this French edition of his book.

ARTICLES AND DOCUMENTS ON

FOREIGN AND COMPARATIVE GOVERNMENT

MARIO EINAUDI

Cornell University

General

Bissell, Richard M., Jr. The Impact of Rearmament on the Free World Economy. *Foreign Affairs.* April, 1951.

Pivert, Marceau. La Reconstruction de l'Internationale Socialiste. *La Revue Socialiste.* February, 1951.

Presse, IVᵉ Pouvoir, La. (1944–1950). *La Nef.* August–September, 1950.

Research Council for Economic Security. Labor-Management Relations: Great Britain, France, Sweden. *Studies in Social Security Abroad* (Chicago). February, 1951.

Specific Areas

United Kingdom

Black, Robert B. The British Central Land Board. *Public Administration Review.* Winter, 1951.

Bradshaw, Kenneth. Parliament and the Public Corporation. *Cambridge Journal.* September, 1950.

Campbell, P. W. and Mirch, A. H. Politics in the North-West. *Manchester School of Economic Studies.* September, 1950.

Clark, Keith C. The British Labor Government's Town and Country Planning Act: A Study in Conflicting Liberalisms. *Political Science Quarterly.* March, 1951.

Potter, Allen M. British Party Organization, 1950. *Political Science Quarterly.* March, 1951.

Commonwealth of Nations

Barker, Ernest. The Ideals of the Commonwealth. *Parliamentary Affairs.* Winter, 1950.

Bland, F. A. The Working of Parliamentary Government in Australia. *Parliamentary Affairs.* Winter, 1950.

The Commonwealth at Strasbourg. *Round Table.* March, 1951.

Hodson, H. V. The Crown in the Commonwealth. *Parliamentary Affairs.* Winter, 1950.

Kalpin, G. H. South Africa in Afrikaner Hands. *Foreign Affairs.* April, 1951.

Smuts, Jan Christiaan. *Round Table.* December, 1950.

Wheare, K. C. The Impact of Federalism upon Parliamentary Government in the Commonwealth. *Parliamentary Affairs.* Winter, 1950.

Willoughby, William R. Canadian Politics. *Political Science Quarterly.* March, 1951.

Zimmern, Alfred. The Commonwealth Today. *Parliamentary Affairs.* Winter, 1950.

Western Europe

Allemagne à la Croisée des Chemins, L'. *Documents.* August–September, 1950.

Ambrosoli, Luigi. Per una Storia del Movimento Cattolico in Italia dopo l'Unità. *Humanitas.* February, 1951.

Amendola, Giorgio. Una Inchiesta Popolare sulla Miseria del Mezzogiorno. *Rinascita.* November–December, 1950.

Berlia, Georges. Les Incompatibilités Parlementaires. *Revue du Droit Public.* October–December, 1950.

——— La Revision de la Constitution. *Revue du Droit Public.* October–December, 1950.

Berlioz, J. La Démocratie Prolétarienne, Démocratie Supérieure. *Cahiers du Communisme.* March, 1951.

Bourgin, Georges. Vers la Féderation Européene: l'O.E.C.E. *La Revue Socialiste.* January, 1951.

Bourthoumieux, Charles. Fédéralisme et Démocratie dans la Constitution de Weimar et la Loi Fondamentale de Bonn. *Revue Internationale de Droit Comparé.* January–March, 1950.

Burmeister, W. The Political Scene in Western Germany. *World Affairs* (London). October, 1950.

Chapman, Brian. A Development in French Regional Administration. *Public Administration.* Winter, 1950.

Cicchitti-Suriani, A. Il Cattolicismo nell'Europa Orientale. *Il Ponte.* February, 1951.

Daix, Pierre. Le Procès Rousset et la Légalité Française. *La Nouvelle Critique.* February, 1951.

Delarue, Maurice and Mouillaud, Maurice. Le Parti Communiste, les Intellectuels et la Bataille d'Idées. *La Nouvelle Critique.* January and February, 1951.

Edelman, Maurice. The Council of Europe 1950. *International Affairs.* January, 1951.

Garaudy, Roger. Propagande de Guerre et Propagande Communiste. *La Nouvelle Critique.* March, 1951.

Giannini, Massimo Severo. Le Développement des Sciences Sociales en Italie. *Bulletin International des Sciences Sociales.* Summer, 1950.

Guillaume, A. E. Critiques Américaines et Réalités Italiennes. *Revue Politique et Parlementaire.* January, 1951.

Kirchheimer, Otto. The Composition of the German Bundestag, 1950. *Western Political Quarterly.* December, 1950.

Kunz, Josef. The Status of Occupied Germany under International Law: A Legal Dilemma. *Western Political Quarterly.* December, 1950.

Lapierre, Jean-William. La Neutralité Française. *Esprit.* March, 1951.

L. D. Contrôle Parlementaire, Administratif et Juridictionnel. *Revue Politique et Parlementaire.* December, 1950.

Le Brun Keris, G. Réforme Électorale, Réforme Constitutionnelle et France d'Outre-Mer. *Revue de l'Action Populaire.* January, 1951.

Levard, G. Plan Schuman et Syndicalisme Chrétien. *Revue de l'Action Populaire.* January, 1951.

Locardel, P. Le Plan Schuman. *Revue de l'Action Populaire.* January, 1951.

Ministère de l'Intérieur, Le. *France Documents.* August–September, 1950.

Mirkine-Guetzévitch, Boris. La République Parlementaire dans la Pensée Politique de Léon Blum. *La Revue Socialiste.* January, 1951.

Montagnana, Mario. Grandezza e Miseria della Fiat. *Rinascita.* November–December, 1950.

Montané de la Roque, P. Espagne 1936–1949. *Revue du Droit Public.* April–June, 1950.

Morgan, D. J. Next Steps in Europe's Economic Integration. *World Affairs* (London). October, 1950.

Moro, Alfredo Carlo. La Libertà di Stampa e i suoi Limiti. *Civitas.* January, 1951.

La Necessité du Parti de la Classe Ouvrière. *Cahiers du Communisme.* March, 1951.

P. C. La Sécurité du Travail en France. *Revue de l'Action Populaire.* March, 1951.

Puget, H. L'Administration Française et les Organismes Internationaux. *La Revue Administrative.* January–February, 1951.

Rochet, Waldeck. La Classe Ouvrière, les Neutralistes et l'Union pour la Paix. *Cahiers du Communisme*. February, 1951.

Salvadori, Massimo. Las Ciencias Sociales del Siglo XX en Italia. *Revista Mexicana de Sociología*. January–April, 1950.

Secchia, Pietro. Il Partito Forma Suprema della Organizzazione di Classe. *Rinascita*. January, 1951.

S. L. and J. S. Deux Instituts Français de la Recherche Sociologique. *Revue de l'Action Populaire*. February, 1951.

Socialisme Français Victime du Marxisme? Le. *La Nef*. June–July, 1950.

Sorre, Maurice. Églises, École, Politique. *Cahiers Internationaux de Sociologie*. Vol. VIII, 1950.

Stikker, Dirk U. The Functional Approach to European Integration. *Foreign Affairs*. April, 1951.

Sturmthal, Adolf. Collective Bargaining in France. *Industrial and Labor Relations Review*. January, 1951.

Sturzo, Luigi. Leggi Elettorali e Istituzioni Democratiche. *Civitas*. February, 1951.

Teitgen, Pierre Henry. Perchè l'MRP non ha Seguito il Generale De Gaulle. *Civitas*. January, 1951.

Tillon, Charles. Après le Deuxième Congrès Mondial de la Paix. *Cahiers du Communisme*. January, 1951.

Verret, Michel. Les Intellectuels et l'Esprit de Parti. *La Nouvelle Critique*. February, 1951.

Vial, Théodore. La Réunion de Cellule, École de Lutte et d'Éducation Communiste. *Cahiers du Communisme*. January, 1951.

Weydert, J. Evolution du Problème de la Ruhr, depuis Juin 1945. *Revue de l'Action Populaire*. March, 1951.

Zangrandi, Ruggero. Come la Democrazia Cristiana è Arrivata alla "Legge Scelba." *Rinascita*. November–December, 1950.

Soviet Union and Eastern Europe

Beloff, Max. The Russian Problem. *Yale Review*. Winter, 1951.

Bruegel, Bedrich. Methods of Soviet Domination in Satellite States. *International Affairs*. January, 1951.

Doudinski, I. Les Succès de l'Industrialisation Socialiste dans les Pays Européens de Démocratie Populaire. *Cahiers du Communisme*. March, 1951.

Guins, George C. The Legal Nature of Soviet Collective Farms. *Washington Law Review*. February, 1951.

Howard, James O. Communist Formula for Land Reform. *Foreign Agriculture*. March, 1951.

Langrod, G. Le Fonctionnaire Soviétique—Quelques Principes de son Statut. *La Revue Administrative*. January–February, 1951.

Minkes, A. L. The Economic Development of Eastern Europe: Review of Methods for Study. Part I. *International Affairs*. January, 1951.

Nussbaum, Arthur. The Arbitration between the Lena Goldfields, Ltd. and the Soviet Government. *Cornell Law Quarterly*. Fall, 1950.

Plessia, R. La Roumanie Soviétisée. *Revue Politique et Parlementaire*. December, 1950.

Russia's Agro-Towns. *Economist*. January 27, 1951.

Sharp, Samuel L. Communist Regimes in Eastern Europe. *Foreign Policy Reports*. January 1, 1951.

Smogorzewski, J. M. The Russification of the Baltic States. *World Affairs* (London). October, 1950.

Two Constitutions or the Story behind the Changes in the Geographical Map of the USSR. *Review of International Affairs* (Belgrade). January 3, 1951.

Ulam, Adam B. The Cominform and the People's Democracies. *World Politics.* January, 1951.

Africa and Middle East

Bourdet, Claude. La Crise Marocaine. *Esprit.* February, 1951.

Eban, Abba. Israel: The Emergence of a Democracy. *Foreign Affairs.* April, 1951.

Jeanson, Francis. Aide-Mémoire Tunisien. *Esprit.* February, 1951.

Julien, Charles-André. Crisis and Reform in French North Africa. *Foreign Affairs.* April, 1951.

Massignon, Louis. La Situation en Algérie. *Esprit.* February, 1951.

Stevens, Georgiana G. Reform and Power Politics in Iran. *Foreign Policy Reports.* February 15, 1951.

Sugier, Clemence. Problèmes d'Éducation en Algérie Musulmane. *Esprit.* February, 1951.

Far East

Germain, Ernest. The Third Chinese Revolution, II. Nature and Perspectives of the China of Mao Tse-Tung. *Fourth International.* January-February, 1951.

Langer, Paul and Swearingen, Rodger. The Japanese Communist Party, the Soviet Union and Korea. *Pacific Affairs.* December, 1950.

Mao Tsé-Toung. A Propos de la Pratique. *Cahiers du Communisme.* February, 1951.

Rovenhalt, Albert. The Philippines: Where Did We Fail? *Foreign Affairs.* April, 1951.

The Trade Union Law; together with Other Relevant Documents. Foreign Languages Press, Peking. 1950.

INTERNATIONAL LAW AND RELATIONS

America's Colonial Experiment; How the United States Gained, Governed, and in Part Gave Away a Colonial Empire. By Julius W. Pratt. (New York: Prentice-Hall, Inc. 1950. Pp. xi, 460. $6.00.)

Professor Pratt has written an interesting and able account of the expansion of the United States. He traces the earlier phases of the movement, tells the story of the American interest in the Panama Canal, Samoa, and Hawaii, and the taking of the Spanish possessions in the Far East at the end of the Nineteenth Century. Then follow chapters describing the development of the Roosevelt corollary of the Monroe Doctrine, the constitutional issues which arose as a result of acquiring the new possessions, and the administrative machinery which was set up to deal with the territories. Chapter 6 discusses the evolution of territorial self-government; chapter 7 contains an excellent analysis of the economic development of the dependent areas. The remaining chapters tell of the "retreat from empire" during the interwar period and the later acquisition of bases in many parts of the world for purposes of national security. Two short appendices deal with United States-Philippines relations after World War II and the government of the Trust Territory of the Pacific Islands. The author has covered much familiar ground but has added recent material so as to give a valuable perspective to the expansionist movement as a whole. His judgments are sound and given with care and precision. He has not attempted to discuss the dependent areas from the point of view of the impact of one culture upon another, but has confined himself to the political and economic phases. The reviewer hopes that Professor Pratt will have an opportunity to issue a second edition, in which case it would be helpful to include a description and an analysis of the international regional commissions (Caribbean and South Pacific) and other manifestations of what may be an important new development, namely, international cooperation in the matter of colonial development. Such a chapter might also include some discussion of the theory of technical assistance and economic development, for we are now beginning to realize, in the words of Professor G. Franck, that the development of the less-advanced countries poses questions "requiring a new conception and a new science for their solution. Though the old and costly system of trial and error still predominates, the effort to evolve basic principles and achieve a synthesis is already manifest." Professor Pratt's volume well describes the period which, not unfairly, may be described as the period of trial and error; and should the second edition see the light, it would be of great value to have his estimate of the significance of the new tendencies which are beginning to make themselves felt.—LINDEN A. MANDER, *University of Washington.*

Tensions Affecting International Understanding; A Survey of Research. BY OTTO KLINEBERG. (New York: Social Science Research Council. 1950. Pp. xi, 227. $1.75.)

The publication of this volume makes available an illuminating survey resulting from the UNESCO Tensions Project. In an introductory chapter the author explains that his memorandum is narrower than that Project in that no attempt is made to cover all the proposals made by the UNESCO General Conference in 1947 and 1948, but broader than the Project in the sense that it touched upon "past accomplishments and future possibilities in this area which can have no direct or immediate bearing on the reduction of international tensions, but which seem pertinent to the problem when seen in longer perspective" (p. 2). Under four principal headings, "Personality in Relation to Nationality," "National Stereotypes," "Attitudes and Their Modification," and "Influences Making for Aggression," Dr. Klineberg has usefully summarized the results of investigations by workers in various social science fields. Studies done through purely political science research do not receive attention comparable with that given to what has been done by workers in certain other disciplines. For example, Dr. Klineberg in his chapter on "Attitudes and Their Modification," while emphasizing mainly techniques developed in education, psychology and sociology, modestly disclaims competence to deal adequately with what political science and philosophy have to offer in this connection (p. 126). The concluding chapter points out that, even with emphasis placed on investigations using methods that are "empirical and verifiable," much important material has been neglected, particularly in the field of political science (p. 213). There is in the volume, however, much that should have particular interest for the political scientist, such as—to mention but several things for the purpose of illustration—what is said on the phenomenon of group membership and the formation of groups (p. 152), on "dimensions of prejudice" (p.

166), on the limitations of public opinion polls (p. 182), and, generally, on material that might have a bearing on attitude theory. It is Dr. Klineberg's view, and one that would seem to merit emphasis, that the process of breaking down lines of demarcation between the social sciences must continue, since there are "too many studies in which the principle of explanation is entirely in terms of a single discipline, when the reality would undoubtedly require a more complex and integrated approach" (p. 186). There is no tone of complacency in this survey of research. Throughout the volume is encountered the suggestion of the complexity of problems and of the need for more research and investigation and for further checking of results. For social scientists in general the volume should have obvious value as a summary and guide. For political scientists undertaking to specialize in international relations it serves the purpose not only of bringing together in convenient form the results of much research, but of producing a needed awareness of scientific effort undertaken along lines somewhat different from those traditionally followed (in document-oriented research) in international relations.—Robert R. Wilson, *Duke University.*

The United Nations in Action. By Eugene P. Chase. (New York: McGraw-Hill Book Co. 1950. Pp. xii, 464. $4.50.)

Professor Chase has performed a useful service for college teachers, undergraduates and the lay public in providing this brief, clear, non-technical account of the structure and developing activities of the United Nations system. The task of condensing such widely ramifying subject-matter into some 400 pages of text could not have been an easy one, but the author has on the whole succeeded in maintaining good balance and emphasis. The volume is divided into three main sections, dealing with (1) the drafting of the Charter, (2) the work of the General Assembly (a special chapter being given to the Palestinian question), and (3) the rest of the system—Security Council, regulation of the use of armed force, the Economic and Social Council, the specialized agencies, trusteeship and non-self-governing territory matters, secretariat, budget and Court—in that order. This scheme of presentation, primarily in terms of specific organs and agencies, tends somewhat to obscure the significance of the changing functional relationships within the total system. Some critics, moreover, are likely to feel that the maintenance of peace and security is allotted a disproportionately large amount of space in contrast to the decidedly sketchy treatment of economic and social activities. It would seem rather out of line to devote almost as many pages to the Trusteeship Council and procedures under Article 73e as to ECOSOC and *all* the specialized agencies. While the volume consists essentially of a factual description of how the UN had evolved down to the end of 1949—the book went to press on the eve of Korea—the author does not hesitate to express personal judgments when the spirit moves him to do so. Most of these interpretative observations reveal real insight into the problem of world organization in a disunited world. This reviewer noted a number of minor inaccuracies which, however, are quite excusable in the light of the difficulties of keeping *au courant* of the enormous documentary output of a dozen secretariats. There are flashes of pungent writing that enliven the recital of structural and procedural detail. Thus, for example, in the following passage: "At the heart of the Organization it [the Security Council] beats irregularly. Sometimes its cardiac spasms have seemed to signalize the dissolution of the Organization in the pains and rigor of death—but like all hearts it is tougher than you think" (p. 171). And in the final paragraph of the volume: "The United Nations is an experiment, 'as all life is an experiment.' It will never completely succeed, because the problems of government are never permanently settled. It will never seem to be a success until the time arises when its success is no longer questioned" (p. 394).—WALTER R. SHARP, *City College of New York.*

Cases and Materials on International Law. BY EDWIN D. DICKINSON. (Brooklyn: The Foundation Press, Inc. 1950. Pp. xxix, 740. $8.00.)

In the not too distant past there were almost as many case and text books on international law as there were careful students of the subject. The unhappy result of lack of training in problems relating to international law and international politics meant that inexperienced lawyers foisted inadequate briefs and arguments upon undiscerning judges. Equally unsatisfactory was the blind spot in the training of generations of leaders who were not well qualified to form expert or careful opinions upon the international responsibilities of the nation, and to measure the validity of international legal and political claims. Such ignorance bred general confusion and has been a disservice to the nation. Professor Dickinson has prepared a new case book for a new generation of students—possibly for more imaginative students who have been swept into courses in international law by the tide of international events and the comparatively greater practical significance of international law than ever before. Its appearance is timely and its substance significant. The book was written especially for introductory law school courses in international law, and is organized in such a way that it makes use of legal concepts already familiar to law students. Chapter two, for example, deals with the birth, recognition, independence and extinction of nations. In a rough way the law student will see comparisons with the birth, achievement of majority, maturity, and death of the individual and related family law problems. Chapter three deals with national domain, and more specifically with acquisition, boundaries, general or special privileges, and succession. Here the law student will make some comparisons with property law including the right of alienation and limitations upon use. Diplomats charged with the negotiation of treaties and conventions are analogized to "agents" of intercourse. The section on treaties in favor of third parties will remind the law student of the rights of a third party beneficiary in ordinary contract law. Relying upon such convenient and well known concepts, the student will find that he is not in a world as strange and as unfathomable as he might initially have thought. Though intended for the law student, the book is one which the undergraduate will be able to use profitably.

It contains cases and materials which support the most modern trends in the development of international law. The cases and materials are not restricted to relationships between states, and international law is dealt with as governing the rights of states and persons, including individuals, in the international community. The Genocide Convention and the Universal Declaration of Human Rights are used to explain the development of the individual as a subject of international law. There is no bibliography, and consequently the student will not possess a convenient source for specialized reference materials. The cases and materials on treaties and conventions do not highlight the differences between the executory and non-executory characteristics of international agreements. However, Professor Dickinson's technique of separating substantive issues arising in an international forum from similar substantive issues arising in a national forum is a noteworthy achievement. The approach undoubtedly will contribute to the avoidance of confusion on the part of the user of these materials.—CARL Q. CHRISTOL, *University of Southern California.*

A Commentary on the Charter of the United Nations. BY NORMAN BENTWICH AND ANDREW MARTIN. (New York: Macmillan Company. 1950. Pp. xxviii, 239. $2.75.)

United Nations Textbook. COMPILED BY THE "PROFESSOR TEDERS" STUDY GROUP AT LEYDEN UNIVERSITY. (Leyden: Universitaire Pers. 1950. Pp. xiv, 355. 5.90 guilders.)

These two books are presented as aids to the understanding of the United Nations. The appeals made are at somewhat different levels, and the techniques involved are not the same. The Bentwich and Martin *Commentary* professes to be written for a quite varied clientele ranging all the way from the general public to delegates, civil servants, and experts attending United Nations meetings. It comes nearest to meeting the needs of the general public and beginning students. It follows the general pattern of the Goodrich and Hambro *Commentary,* covering approximately the same period of time, but is much less detailed and considerably briefer, includes fewer documents, and has a much shorter bibliography. The comment, generally speaking, is informed, balanced and concise. There are not many places where one would take serious issue with opinions expressed. At some points, as for example in the discussion of the domestic jurisdiction principle, the approach reflects an excessive reliance on legal reasoning. The *United Nations Textbook* is a group product. In the usual sense of the word it is not a textbook at all. In the words of the preface it is a collection of "texts, accompanied whenever necessary or desirable by appropriate factual information." There is no intention to provide a commentary. The factual information provided is consequently not of a connected, systematically organized nature. The documents included are grouped under four heads which indicate the scope of the collection: the history of the Charter, the UN, the International Court of Justice, and regional pacts. The selection is an intelligent and inclusive one. As a handy compilation of the more important documentary material, the book should be very useful to students of the UN.—Leland M. Goodrich, *Columbia University.*

The Year Book of World Affairs, 1951. Edited by George W. Keeton and Georg Schwarzenberger. (London: Stevens and Sons, 1951. Pp. 428. 30s.)

The thirteen articles in the fifth volume of this British annual range in disproportionate emphasis over much of the globe. The reviewer suggests that a more accurate title would be "Some Random Papers on Some International Issues." No pattern of organization is discernible in this collection of addresses, essays and learned articles. A sketchy address by Sir Alexander Cadogan on the United Nations opens the volume, followed by a philosophical essay on "The Moral Dilemma in Foreign Policy" by Hans Morgenthau. Two legal articles, "Criminal Justice in Germany Today" and "The Protection of Civilians in Occupied Territory," are included. The closest approach to timely articles are those on the Schuman Plan and post-war Turkey. The Far East is omitted entirely from the volume. As so frequently happens in a collaborative work the quality of scholarship and presentation varies widely. One of the more attractive features of the volume is a concluding section titled "Reports on World Affairs" where leading books and documents within particular functional fields, such as economic aspects and geographical aspects, are reviewed on a collective basis. This device permits the reviewer to bring into focus the major contributions and to measure the current output of literature in a less hurried style and a more judicious vein than is ordinarily possible.—Albert C. F. Westphal, *University of New Mexico.*

Documents on American Foreign Relations, Volume XI, 1949. Edited by Raymond Dennett and Robert K. Turner. (Princeton, N. J.: Published for World Peace Foundation by Princeton University Press. 1950. Pp. xxiv, 728. $6.00.)

A comprehensive but discriminating selection of documents, speeches, and reports, arranged under topic headings. Succinct headnotes provide the element of continuity that gives greater utility.

Foreign Relations of the United States; Diplomatic Papers, 1934. Volume IV, The American Republics. Compiled by the U. S. Department of State. (Washington, D. C.: U. S. Government Printing Office. 1951. Pp. lxv, 640. $2.75.)

This volume covers multilateral aspects of political and economic problems involving the United States and other American Republics, as well as bilateral relations with Argentina and Brazil. The major political chapter records the unsuccessful efforts of the League of Nations, the United States, and other American nations to achieve a settlement of the six-year old Chaco war.

Herbert Hoover's Latin-American Policy. By Alexander DeConde. (Stanford, California: Stanford University Press. 1951. Pp. xiii, 154. $3.00.)

A sympathetic discussion, by a Whittier College historian. The author concludes that "in its main essentials, the good-neighbor policy had its roots in the Hoover administration; Roosevelt only adopted and expanded it." There is a fifteen-page bibliography.

Addresses Upon the American Road, 1948–1950. BY HERBERT HOOVER. (Stanford: Stanford University Press. 1951. Pp. xi, 221. $3.50.)

A collection of the ex-President's speeches, including the radio address of December 20, 1950, on "Our National Policies in This Crisis."

The United States and Europe; A Bibliographical Examination of Thought Expressed in American Publications During 1950. BY EUROPEAN AFFAIRS DIVISION, LIBRARY OF CONGRESS. (Washington, D. C.: 1951. Pp. iii, 209. [Multilith.] $1.00. For sale by Card Division, Library of Congress.)

An analytical survey of books, pamphlets and articles published in the United States during 1950 and dealing with Europe, American-European relations, and European and international issues affecting United States foreign policy. Third annual bibliography on the United States and Europe.

Korean-American Relations; Documents Pertaining to the Far Eastern Diplomacy of the United States. Vol. 1, 1883–1886. EDITED BY GEORGE M. MCCUNE AND JOHN A. HARRISON. (Berkeley and Los Angeles: University of California Press. 1951. Pp. viii, 163. Paper, $2.50.)

First of a projected three-volume series of correspondence between the Department of State and American representatives in Korea from 1883 to 1905.

The British Press and Wilsonian Neutrality. BY ARMIN RAPPAPORT. University Series, History, Economics, and Political Science, Vol. VII, No. 1. (Stanford: Stanford University Press. 1951. Pp. 162. Paper, $2.50.)

Study of editorial and news columns of 37 British newspapers (1914–1917) by an instructor in history at the University of California (Berkeley).

Special Business Interests and the Open Door Policy. BY CHARLES S. CAMPBELL, JR. (New Haven: Yale University Press. 1951. Pp. 88. $3.00.)

A study of the influence of certain American business interests on the adoption of the United States policy with respect to China set forth in the September 1899 notes and the July 1900 circular. The author is a Johns Hopkins historian.

British Policy and the Independence of Latin America, 1804–1828. BY WILLIAM W. KAUFMANN. (New Haven: Yale University Press. 1951. Pp. viii, 238. $3.75.)

Careful and readable summary not hitherto presented in a single volume; written by a Yale political scientist and issued in the Yale Historical Publications.

The Diplomatic Yearbook. EDITED BY MYRON LESLIE HURWITZ. (New York: Funk & Wagnalls Company in association with United Nations World. 1951. Pp. xii, 836. $20.00.)

A reference work, containing a documented glossary of diplomatic procedure and the internal and external lists of diplomatic personnel for 70 countries, with index to names. Reference material is preceded by ten brief articles on various aspects of "Diplomacy in Action."

Yearbook of the United Nations, 1948–1949. (New York: Columbia University Press in co-operation with the United Nations. 1950. Pp. xi, 1171. $12.50.)

The third volume covering the period from September 21, 1948, to December 31, 1949. Better organization than in previous volumes, especially on political and security questions and economic issues. Also has a full coverage of the specialized agencies.

Everyman's United Nations. PREPARED BY DEPARTMENT OF PUBLIC INFORMATION, UNITED NATIONS. (New York: Columbia University Press. 1951. Pp. vi, 313. $1.25.)

Second edition of this reference work on the structure, functions and work of the UN and its related agencies.

A World Airlift; The United Nations Air Police Patrol. BY ELVIRA K. FRADKIN. (New York: Funk & Wagnalls Company. 1950. Pp. viii, 216. $2.85.)

The United Nations Air Police Patrol would combine the war aviation of all countries and thereby eliminate danger from air warfare and sudden atomic attack. The plan for UNAPP is carefully thought out in details of establishment, inspection, operation and enforcement, as well as in its application to break the East-West war tension. The author has had long experience in international cooperation dating from the First World Conference on Disarmament at Geneva in 1932.

Basic Documents of International Relations. EDITED BY FREDERICK H. HARTMANN. (New York: McGraw-Hill Book Company, Inc. 1951. Pp. xv, 312. $3.25.)

A collection of 50 basic documents in international relations beginning with the Treaty of Chaumont in 1814 and ending with the North Atlantic Pact, arranged chronologically. Includes explanatory remarks prefacing each document, and a topical index.

Sociological Aspects of Law and International Adjustment. BY CH. BOASSON. (Amsterdam: North-Holland Publishing Company. 1950. Pp. 120. 7.50 florins.)

Theoretical discussions of law, primarily international, with extensive bibliographical annotations.

Psychological Factors of Peace and War. EDITED BY T. H. PEAR. (New York: Philosophical Library. 1950. Pp. 262. $4.75.)

A symposium. Most of the nine authors are English psychologists. The editor, who also contributes the introduction and a chapter on "Peace, War and Culture Patterns," is a University of Manchester psychologist. Such chapter headings as "War and Aggressiveness: A Survey of Social Attitude Studies," "Personality and Attitudes Towards Warfare," "Women in Peace and War," and "Guide Lines for Research in International Co-operation" (by Gordon Allport) suggest the scope of the book.

The Soviets in World Affairs, 1917–1929. BY LOUIS FISCHER. (Princeton: Princeton University Press. 1951. 2 vols. Pp. xviii, vii, 892. $10.00.)

Facsimile reproduction, with new introduction, of work first published in 1930.

The World of the Slavs. By Albert Mousset. Translated by A. M. Lavenu. (New York: Frederick A. Praeger Inc. 1950. Pp. ix, 204. $3.00.)

Translation of the author's revision of a work first published in French in 1946. Panslavism, regarded as a political reality only during World War II, is viewed as giving way to the old Slav individualism.

The Balance of Payments and the Standard of Living. By R. G. Hawtrey. (London and New York: Royal Institute of International Affairs. 1950. Pp. 158. $1.75.)

An incisive study of the effects of a chronic adverse balance of international payments on a country's standard of living.

The Dollar Shortage. By Charles P. Kindleberger. (Cambridge: Massachusetts Institute of Technology Press and New York: John Wiley & Sons, Inc. 1950. Pp. ix, 276. $4.00.)

An attempt to provide an analytical framework for study of the dollar shortage. The author is an economist at MIT with long service in government.

Wealth of Colonies; The Marshall Lectures. By W. K. Hancock. (New York: Cambridge University Press. 1950. Pp. 81. $1.75.)

Two lectures delivered at Cambridge University, one dealing with nineteenth century experience of the British Commonwealth, the second with current problems of development and welfare within the Commonwealth.

The Australian Frontier in New Guinea, 1870–1885. By Donald Craigie Gordon. (New York: Columbia University Press. 1951. Pp. 301. $4.25.)

A University of Maryland historian surveys the causes of the annexation of Papua to the British Empire. The study is based on sources available in the United States.

Manuel de Droit d'Outre-Mer; Union Française: Afrique du Nord, Territoires d'Outre-Mer, Indochine. By François Luchaire. (Paris: Librairie du Recueil Sirey. 1949. Pp. 574.)

A handbook of the history of French colonization, French theories of colonial policy, and legislation in the areas constituting l'Union Française, as laid down in the Constitution of 1946. It deals separately with French North Africa, French Territoires d'Outre-Mer, and "Territoires Associés." The section dealing with French Indo-China is of special interest. F.T.E.

La Carte Impériale; Histoire de la France Outre-Mer, 1940–1945. By Maurice Martin du Gard. (Paris: Éditions André Bonne. 1949. Pp. 465.)

The first comprehensive history of the duel between Pétain and de Gaulle regarding overseas France, especially France's African possessions, Syria, Madagascar, and Indo-China. It covers an extended and important field of political and military activity during the last war. No use has been made of relevant German and Italian sources. F.T.E.

Menaces sur le Viet-Nam. By Pierre Célerier. (Saigon: Imprimerie d'Extrême-Orient. 1950. Pp. 292.)

Detailed history of the relations between Viet-Nam and France since the end of the war, by an author who regards the agreement of March 8, 1949, as an honest solution. He goes into considerable detail in discussing the danger of Communist China to Viet-Nam, since China had always considered Viet-Nam—especially Northern Viet-Nam—as an extension of her national territory, although the ratio of the population is one Chinese to 25 Viet-Namese. F.T.E.

L'Idée Européenne et sa Réalisation. By EDOUARD BONNEFOUS. PREFACE BY ANDRÉ SIEGFRIED. (Paris: Éditions du Grand Siècle. 1950. Pp. 357.)

History of the post-war European movement and its intellectual roots. Contains list of the principal organizations, information about the European Congresses (The Hague, 1948; Westminster, 1949), the Council of Europe, 1947–49, and a "Chronology of United Europe." F.T.E.

Tito, Maréchal des Traîtres. By RENAUD DE JOUVENEL. (Paris: La Bibliothèque Française. 1950. Pp. 174.)

An attack not only against Tito but also against any attempt to challenge Stalinist Communism's grip on Eastern Europe—in Jugoslavia, Greece, Poland, and Roumania. The United States is the author's principal target in several chapters. F.T.E.

Die geheime Front; Organisation, Personen und Aktionen des deutschen Geheimdienstes. By WALTER HAGEN (Pseud.). (Zuerich: Europa-Verlag. 1950. Pp. 509.)

Contains abundant material on Germany's relations with Czechoslovakia, Jugoslavia, Rumania, Bulgaria, Hungary, and Italy, principally during the period of the last war. A remarkably good index of names (pp. 483–509) makes it almost a reference work for Germany's relations with Southeastern Europe. Unfortunately, the book is lacking in references to printed or unprinted sources, and is therefore subject in every detail to reasonable doubt; nor is there sufficient confirmation of other types. F.T.E.

Za oktombrijskata revoliutsija, s'vetskija s'iuz i b'lgaro-s'vetskata druzhba [The October Revolution, the Soviet Union and the Bulgaro-Soviet Friendship]. By VASIL KOLAROV. (Sofija: Izdatelstvo na B'lgarskata Kommunisticheska Partija. 1949. Pp. 355.)

A collection of the author's studies, articles and speeches written between 1919 and 1948. He emerges from the book as the principal promoter of Bulgarian-Soviet friendship. F.T.E.

Ekonomicheskaia politika tsarskogo pravitel'stva na Srednem Vostoke vo vtoroi chetverti XIX-go veka i russkaia burzhuaziia [The Economic Policy of the Tsarist Government in the Near East in the Second Half of the 19th Century and the Russian Bourgeoisie]. By M. K. ROZHKOVA. (Moscow-Leningrad: Akademiia Nauk SSSR. 1949. Pp. 391.)

Studies of Russian commercial and industrial policy in the 19th century, throwing light on Russian and British trade competition in the Middle East in the 1830's and 1840's and on Russian "colonial" exploitation, especially of Transcaucasia and Kazachstan. Based principally on unprinted sources, it makes use of records kept at the State Historical Central Archives at Leningrad. F.T.E.

Organisation and Equipment for War. BY SIR RONALD M. WEEKS. The Lees Knowles Lectures on Military History, 1948. (Cambridge University Press. 1950. Pp. 132.)

A lucid account by the former Deputy Chief of the Imperial Staff of the organizational and supply problems during the last war and how they were solved by the War Office. F.T.E.

Korea Handbook. EDITED BY R. PALME DUTT. (London: A publication of the *Labour Monthly.* 1950. Pp. 96.)

A handbook of the Communist viewpoint on Korean matters, starting with "Agnes Smedley's Last Plea," bitterly denouncing Chiang Kai-Shek. In "Light on Korea," D. Pritt does not admit any evidence of aggression or threats of aggression on the part of North Korea, a standpoint justified by the Korean People's Democratic Republic's statement to UNO, dated September 28, 1950. R. Palme Dutt's "Korea and a Third World War" refers to "the invasion of Korea" as the "first combined assault of the imperialist Powers, acting as a single, war-making coalition under a United States Commander-in-Chief, and seeking to misuse the flag of the United Nations for an illegal war of intervention." F.T.E.

Pervyi vsemirnyi kongress storonnikov mira, Parizh-Praga 20–25 aprela 1949 goda; Materialy. [The First World Congress of the Adherents of Peace.] (Moscow: Gosud. izd. politich. literatury. 1950. Pp. 536.)

The fact that the minutes of the Paris and Prague Peace Congress were published in Moscow should destroy the last doubt as to "cui bono" this demonstration was held. F.T.E.

Bombe ou Paix Atomique? BY DOMINIQUE DESANTI AND CHARLES HAROCHE. (Paris: Éditions Sociales. 1950. Pp. 141.)

Vehement attack against American atomic energy policy, simultaneously harshly censoring the French Government for its adherence to the Atlantic Pact and unconditionally supporting the Soviet stand and the Communist propaganda line. F.T.E.

ARTICLES AND DOCUMENTS ON

INTERNATIONAL LAW AND RELATIONS

H. ARTHUR STEINER*

University of California at Los Angeles

ARTICLES

International Politics and National Policies

General

Ash, Maurice A. An Analysis of Power, with Special Reference to International Politics. *World Politics.* January, 1951.

Bernal, J. D. The Way to Peace. *Labour Monthly* (London). January, 1951.

The Cold War. [A Symposium by R. H. S. Crossman, M. P. *et al.*] *Political Quarterly.* January–March, 1951.

Current Research in International Affairs. *International Conciliation.* December, 1950.

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The Defense of the Free World. [A Symposium by Joseph E. Johnson *et al.*] *Proceedings of the Academy of Political Science.* January, 1951.

Fleming, D. F. The Rule of Fear and Hindsight in World Politics. *Western Political Quarterly.* December, 1950.

Gottmann, Jean. Geography and International Relations. *World Politics.* January, 1951.

Hyde, Charles Cheney. Bombs, Super-Bombs, and the Cost of Peace. *Texas Law Review.* December, 1950.

Majumdar, B. B. Anti-Colonialism from Hobson to Nehru. *Indian Journal of Political Science.* October–December, 1950.

Millis, Walter. Sea Power: Abstraction or Asset? *Foreign Affairs.* April, 1951.

Riggs, Fred W. The World's Refugee Problem. *Foreign Policy Reports.* January 15, 1951.

United States

American Foreign Policy: a Critique from Abroad. [A Symposium by Frederick C. Barghoorn *et al.*] *Columbia Journal of International Affairs.* Winter, 1951.

Bolles, Blair. United States Military Policy. *Foreign Policy Reports.* December 15, 1950.

Brinton, Crane. The Last Hegemony. *Virginia Quarterly Review.* Winter, 1951.

Buehrig, Edward H. The United States, the United Nations and Bi-polar Politics. *International Organization.* November, 1950.

Chardonnet, Jean. La Politique Americaine des Bases Aeriennes et Navales. *Revue de Défense Nationale.* October, 1950.

Johnstone, William C. Our Answer to the Big Lie. *Department of State Bulletin.* March 5, 1951.

Kennan, George F. America and the Russian Future. *Foreign Affairs.* April, 1951.

Niebuhr, Reinhold and Chamberlain, John. American Conservatism and the World Crisis. *Yale Review.* Spring, 1951.

Padover, Saul K. America and Europe: Mutual Misunderstandings. *Social Research.* December, 1950.

Ravenholt, Albert. The Philippines: Where Did We Fail? *Foreign Affairs.* April, 1951.

Rusk, Dean. The Strategy of Freedom in Asia. *Department of State Bulletin.* February 19, 1951.

Taylor, Robert L. National Security and the St. Lawrence Project. *Editorial Research Reports.* March 14, 1951.

Vinacke, Harold M. Far Eastern Policy of the United States. *Foreign Policy Reports.* March 1, 1951.

Welles, Sumner. Roosevelt and the Far East. *Harper's Magazine.* February and March, 1951.

Wells, William H. The Mumble in the Voice of America. *Harper's Magazine.* January, 1951.

Commonwealth of Nations

Appadorai, A. La Politique Extérieure de l'Inde. *Politique Étrangère.* December, 1950.

Barton, William P. Indian Foreign Policy. *Australian Quarterly.* December, 1950.

Eden, Anthony. Britain in World Strategy. *Foreign Affairs.* April, 1951.

Gordon-Walker, *Rt. Hon.* P. C. The Commonwealth Today. *United Empire.* November–December, 1950.

Harrison, Eric J. Partnership in Empire. *United Empire.* January-February, 1951.

Laissy, Michel. Le Problème du Cachemire. *Revue Politique et Parlementaire.* January, 1951.

Levi, Werner. India Debates Foreign Policy. *Far Eastern Survey.* March 7, 1951.

Van der Esch, Patricia. La Politique Extérieure de Canada. *Politique Étrangère.* December, 1950.

Williams, Kenneth. British Policy in the Middle East. *Fortnightly*. January, 1951.

Western Europe

Atkinson, William C. Gibraltar: the Spanish Case. *Fortnightly*. February, 1951.

Roncella, Nazareno. España, la U. N. O. y el Bloque Europeo. *Revista de Derecho Internacional*. July–December, 1950.

Central and Eastern Europe

Bonn, M. J. Whither Germany? *World Affairs*. January, 1951.

de Somogyi, Joseph. The Danube and the Suez Canal. *Journal of Central European Affairs*. July, 1950.

Soviet Union and Soviet Policy

McLachlan, Donald H. The Partisans of Peace. *International Affairs*. January, 1951.

Nettl, Peter. German Reparations in the Soviet Empire. *Foreign Affairs*. January, 1951.

Starobin, Joseph. The Second World Peace Congress. Main Documents of the Second World Peace Congress. *Political Affairs*. January, 1951.

Ulam, Adam B. The Background of the Soviet-Yugoslav Dispute. *Review of Politics*. January, 1951.

Ulam, Adam B. The Cominform and the People's Democracies. *World Politics*. January, 1951.

Middle East and Africa

Barbour, Nevill. Broadcasting to the Arab World. *Middle East Journal*. Winter, 1951.

Fitzgerald, Sir William. An International Regime for Jerusalem. *Royal Central Asian Journal*. July–October, 1950.

Fitzsimons, M. A. Britain and the Middle East. *Review of Politics*. January, 1951.

Kimche, Jon. Can the British hold the Middle East? *Nineteenth Century and After*. December, 1950.

Wallach, Sidney. Decision in the Near East. *Yale Review*. Spring, 1951.

Weinberger, Siegbert J. The Suez Canal in Anglo-Egyptian Relations. *Middle Eastern Affairs*. December, 1950.

Far East

Hopkinson, A. J. The Position of Tibet. *Royal Central Asian Journal*. July–October, 1950.

Hsu, Immanuel C. Y. Allied Council for Japan. *Far Eastern Quarterly*. February, 1951.

Hudson, G. F. Korea and Asia. *International Affairs*. January, 1951.

Keeton, G. W. International Law in the Far Eastern War. *Twentieth Century*. February, 1951.

The Korean Crisis. *External Affairs* (Ottawa). December, 1950.

Langer, Paul and Swearingen, Rodger. The Japanese Communist Party, the Soviet Union and Korea. *Pacific Affairs*. December, 1950.

Patch, Buel W. Japan and Pacific Security. *Editorial Research Reports*. February 28, 1951.

Van Nhan, Nguyen. The Asian Reaction to Korea. *Asia Horizon*. Winter 1950–1951.

Yoshida, Shigeru. Japan and the Crisis in Asia. *Foreign Affairs*. January, 1951.

Southeast Asia

Buss, Claude A. The Philippines in World Politics. *World Affairs*. January, 1951.

Carr-Gregg, John R. E. The Colombo Plan: A Commonwealth Program for Southeast Asia. *International Conciliation*. January, 1951.

The Colombo Plan: Momentous Program for Economic Development. . . . *Labour and Industry in Britain* (London). December, 1950.

Fifield, Russell H. Philippine Foreign Policy. *Far Eastern Survey.* February 21, 1951.

Frankel, J. The Background in French Indo-China. *World Affairs.* January, 1951.

Spender, P. C. Partnership with Asia. *Foreign Affairs.* January, 1951.

Topping, Seymour. Indo-China on the Razor's Edge. *Foreign Affairs.* April, 1951.

Van der Kroef, Justus M. Indonesia and the West. *Far Eastern Survey.* February 21, 1951.

Vandenbosch, Amry. Thailand, the Test Case. *Virginia Quarterly Review.* Winter, 1951.

International Economic Policy

General

Chalmers, Henry. Current Trends in Foreign Trade Policies: Review of 1950. *Foreign Commerce Weekly.* February 19, 1951.

Hoover, Calvin B. Foreign Economic Aid and Communism. *Journal of Political Economy.* February, 1951.

Kindleberger, C. P. Group Behavior and International Trade. *Journal of Political Economy.* February, 1951.

Mendès-France, Pierre. Les Échanges commerciaux entre Amérique Latine, Amérique du Nord et Europe Occidentale. *Politique Étrangère.* December, 1950.

Patch, Buel W. International Control of Essential Materials. *Editorial Research Reports.* March 21, 1951.

Tyszynski, H. A Note on International Commodity Agreements. *Economica.* November, 1950.

Technical Assistance, Foreign Investment and Point Four

Franck, Peter G. and Dorothea S. Implementation of Technical Assistance. *International Conciliation.* February, 1951.

Miller, John T. The ECA Guarantees and the Protection and Stimulation of Foreign Private Investment. *Georgetown Law Journal.* November, 1950.

Reubens, Edwin P. Economic Aid to Asia: Progress Report. *Far Eastern Survey.* January 10, 1951.

Shah, S. V. Fiscal Policy and Development of Backward Areas. *Modern Review* (Calcutta). October, 1950.

Tirana, Rifat. Government Financing of Economic Development Abroad. *Journal of Economic History.* Supplement X, 1950.

International Law

Brand, George. The Development of the International Law of War. *Tulane Law Review.* February, 1951.

Caicedo-Castilla, José Joaquin. En Defensa del Derecho de Asilo. *Revista de America.* November–December, 1950.

Cooper, John C. Airspace Rights over the Arctic. *Air Affairs.* December, 1950.

des Cilleuls, J. La Convention du 12 Août 1949 pour l'Amélioration du Sort des Blessés et des Malades dans les Forces Armées en Campagne. *Revue Générale de Droit International Public.* July–September, 1950.

Dillon, J. V. The Genesis of the 1949 Convention Relative to the Treatment of Prisoners of War. *Miami Law Quarterly.* December, 1950.

Graven, J. Principes Fondamentaux d'un Code Répressif des Crimes contre la Paix et la Sécurité de l'Humanité (Suite et Fin). *Revue de Droit International de Sciences Diplomatiques et Politiques.* October–December, 1950.

Hudson, Manley O. The Twenty-ninth Year of the World Court. *American Journal of International Law.* January, 1951.

Kelsen, Hans. Is the Acheson Plan Constitutional? *Western Political Quarterly.* December, 1950.

Koessler, Maximillian. American War Crimes Trials in Europe. *Georgetown Law Journal.* November, 1950.

Kunz, Josef L. The Chaotic Status of the Laws of War and the Urgent Necessity for Their Revision. *American Journal of International Law.* January, 1951.

Kunz, Josef. The Status of Occupied Germany under International Law. *Western Political Quarterly.* December, 1950.

Lockwood, L. D. The Philippine Supreme Court and Postwar Problems of International Law. *Stanford Law Review.* December, 1950.

Northrop, F. S. C. Naturalistic and Cultural Foundations for a More Effective International Law. *Yale Law Journal.* December, 1950.

Opton, Frank G. Recognition of Foreign Heirship and Succession Rights to Personal Property in America. *George Washington Law Review.* December, 1950.

Reppy, Alison. The Grotian Doctrine of the Freedom of the Seas Reappraised. *Fordham Law Review.* December, 1950.

Saba, H. Certains Aspects de l'Évolution dans la Technique des Traités et Conventions Internationales. *Revue Générale de Droit International Public.* July–September, 1950.

Sloane, F. Blaine. Advisory Jurisdiction of the International Court of Justice. *California Law Review.* December, 1950.

Tucker, R. W. The Interpretation of War under Present International Law. *International Law Quarterly.* January, 1951.

Wright, Quincy. National Courts and Human Rights. *American Journal of International Law.* January, 1951.

International Organization

United Nations: General

Crocker, Walter R. Some Notes on the United Nations Secretariat. *International Organization.* November, 1950.

Gerig, Benjamin and McKay, Vernon. The Ewe Problem: A Case Study in the Operation of the Trusteeship Council. *Department of State Bulletin.* January 22, 1951.

Gross, Ernest A. The United Nations Faces Aggression. *Department of State Bulletin.* January 8, 1951.

Gross, Leo. Voting in the Security Council: Abstention from Voting and Absence from Meetings. *Yale Law Journal.* February, 1951.

Kelsen, Hans. Is the North Atlantic Treaty in Conformity with the Charter of the United Nations? *University of Kansas City Law Review.* February, 1951.

McDougal, Myres S. and Gardner, Richard N. Veto and the Charter: An Interpretation for Survival. *Yale Law Journal.* February, 1951.

Manes, Joseph. Voting Procedure of the Security Council. *Journal of Social Studies.* Winter, 1950–1951.

Shawcross, Hartley. The Constitutional Structure of the United Nations. *Nebraska Law Review.* November, 1950.

The United Nations and the Far East. *International Survey.* December 15, 1950.

United Nations: Specialized Agencies

Bennett, George. Constitutional Problems of the International Labor Organization. *Miami Law Quarterly.* February, 1951.

The Joint Maritime Commission and the Maritime Work of I. L. O. *International Labour Review.* November, 1950.

Malintoppi, A. La Fonction "Normative" de l'O. A. C. I. *Revue Générale de l'Air.* No. 5, 1950.

Serraz, F. Cinq Ans de Travail à l'O. A. C. I. sous l'Égide du Président Warner. *Revue Générale de l'Air.* No. 5, 1950.

Regional Organizations

Arciniegas, Germán. Nuestra Actitud como Latinoamericanos. *Revista de America.* November–December, 1950.

Butler, *Sir* Harold. Strasbourg in Retrospect. *Fortnightly.* February, 1951.

Edelman, Maurice. The Council of Europe 1950. *International Affairs.* January, 1951.

Furniss, Edgar S., Jr. The Inter-American System and Recent Caribbean Disputes. *International Organization.* November, 1950.

Schwarzenberger, Georg. Atlantic Union. *World Affairs.* January, 1951.

Strange, Susan. Strasbourg Revisited. *World Affairs.* January, 1951.

Western Union. [A Symposium by Ross N. Berkes *et al.*] *Current History.* January, 1951.

Military and Security Questions

Bloch, Ernest. European Rearmament and United States Foreign Aid. *Review of Economics and Statistics.* November, 1950.

Emms, Eugene M. Politico-military Aspects of Western Defense under the North Atlantic Pact. *Air University Quarterly Review.* Fall, 1950.

Head, *Brigadier* A. H. European Defence. *International Affairs.* January, 1951.

Jacob, *Maj. Gen. Sir* Ian. Principles of British Military Thought. *Foreign Affairs.* January, 1951.

Janeway, Eliot. The International Imperative of Mobilization. *Yale Review.* Spring, 1951.

Lowenthal, Richard. The Politics of Atlantic Rearmament. *Twentieth Century.* February, 1951.

McLachlan, Donald H. Rearmament and European Integration. *Foreign Affairs.* January, 1951.

Patch, Buel W. Defense of Europe. *Editorial Research Reports.* January 8, 1951.

DOCUMENTS

British Information Services. Reference Division. British Official Papers relating to Foreign Affairs (1945–50). New York, British Information Services, 1950. (ID 908, revised).

Canada. Department of External Affairs. Documents on the Korean Crisis. Ottawa, E. Cloutier, King's Printer, 1951.

Inter-Allied Reparation Agency. Report of the Secretary General for the Year 1949. Brussels, Inter-Allied Reparation Agency, 1950.

International Bank for Reconstruction and Development. The Basis of a Development Program for Colombia; Report of a Mission headed by Lauchlin Currie . . . . Washington, International Bank for Reconstruction and Development, 1950. (Sales number: IBRD. 1950. 1).

International Monetary Fund. Balance of Payments Manual. Washington, 1950.

Organization for European Economic Co-operation. Internal Financial Stability in Member Countries. Paris, OEEC, 1950.

——— Council. Directives for the Application of the Agreement for the Establishment of a European Payments Union. Paris, 1950.

Pan American Union. Annual Report of the Secretary General of the Organization of American States for the Fiscal Year ending June 30, 1950. Washington, Pan American Union, 1950.

United Kingdom. Foreign Office. Report on the Proceedings of the Fifth Session of the Council of Ministers of the Council of Europe . . . . Strasbourg, 3rd/9th August, 1950. London, H.M.Stat.O., November, 1950. (Cmd. 8082).

United Nations. Economic and Social Council. Official Records, 10th Session, February 7–March 6, 1950. Annex. Lake Success, 1950.

——— ——— United Nations Programme of Technical Assistance under General Assembly Resolutions 58(I), 200(III) and 246(III). Report by the Secretary-General, January 9, 1951. United Nations, 1950. (Doc. E/1893).

——— ——— World Economic Report 1949–50, preliminary edition. New York, 1951. (Doc. E/1910).

——— ——— Economic Commission for Asia and the Far East. Committee on Industry and Trade. Trade and Payments Arrangements. Lake Success, 1950. (Doc. E/CN.11/I & T/22).

——— General Assembly. Resolutions Adopted by the General Assembly during the Period 19 September to 15 December, 1950. New York, 1951. (Supplement no. 20 to Official Records, Fifth Session; doc. A/1775).

——— ——— International Law Commission. Memorandum on the Soviet Doctrine and Practice with respect to the Law of Treaties. n.p., November 21, 1950. (Doc. A/CN.4/37).

——— Secretariat. Findings of Studies on the Relationships between Population Trends and Economic and Social Factors. Lake Success, 1950. (Doc. E/CN.9/55, 11 April 1950).

——— ——— Department of Conferences and General Services. Subject Guide to United Nations Documents Symbols, August, 1945–December, 1950. New York, 1951. (Doc. ST/CGS/SER. A/17).

——— ——— Library. Cumulative Index to the Resolutions of the Economic and Social Council, First to Eleventh Sessions inclusive, 1946–1950. New York, 1951. (Doc. ST/LIB/SER.D/35, 10 January 1951).

——— Security Council. Decisions Taken and Resolutions Adopted by the Security Council during the Year 1950. Prepared by the Department of Security Council Affairs. New York, 1951. (Doc. S/INF/4, 1 February 1951).

——— Trusteeship Council. Report of the Trusteeship Council covering its First Special Session, its Second Special Session, and its Sixth and Seventh Sessions, 23 July 1949–21 July 1950. Lake Success, 1950. (Doc. A/1306).

United Nations Educational, Scientific and Cultural Organization. Contemporary Political Science. A Survey of Methods, Research and Teaching. Paris, UNESCO, 1950. (UNESCO Pub. 426).

United States. Advisory Commission on Educational Exchange. Two Way Street. Report of the United States Advisory Commission on Educational Exchange, June 30, 1950. Washington, Government Printing Office, 1950. (Department of State Pub. 3893).

——— Congress. House. Committee on Foreign Affairs. Background Information on the Use of United States Armed Forces in Foreign Countries. 82nd Congress, 1st Session, Committee Print. Washington, Government Printing Office, 1951.

——— ——— ——— ——— Hearings . . . on . . . Bills to Furnish Emergency Food Relief Assistance to India. 82nd Congress, 1st Session. Washington, Government Printing Office, 1951.

——— ——— ——— ——— India Emergency Assistance Act of 1951. 82nd Congress, 1st Session, House Report No. 185. Washington, Government Printing Office, 1951.

——— ——— ——— ——— Yugoslav Emergency Relief Assistance Act of 1950. Hearings . . . on H. R. 9853 . . . . 81st Congress, 2nd Session. Washington, Government Printing Office, 1950.

——— ——— ——— Committee on Ways and Means. 1951 Extension of the Reciprocal Trade Agreements Act. Hearings . . . on H. R. 1612 . . . . 82nd Congress, 1st Session. Washington, Government Printing Office, 1951.

——— ——— Senate. Committees on Foreign Relations and Armed Services. Assignment of Ground Forces of the United States to Duty in the European Area. 82nd Congress, 1st Session, Senate Report No. 175. Washington, Government Printing Office, 1951.

——— ——— ——— ——— Basic Information on the Implementation of the North

Atlantic Treaty. 82nd Congress, 1st Session, Committee Print. Washington, Government Printing Office, 1951.

——— ——— ——— ——— Hearings . . . on S. Con. Res. 8 . . . relative to the Assignment of Ground Forces of the United States to Duty in the European Area. 82nd Congress, 1st Session. Washington, Government Printing Office, 1951.

——— ——— ——— ——— Powers of the President to Send the Armed Forces outside the United States. 82nd Congress, 1st Session, Committee Print. Washington, Government Printing Office, 1951.

——— Department of the Navy. Office of the Chief of Naval Operations. Report of the Trust Territory of the Pacific Islands for the Period July 1, 1949 to June 30, 1950, transmitted by the United States to the United Nations . . . . Washington, 1950. (OPNAV P22-100-J).

——— Department of State. United Nations Action in Korea under Unified Command. Eighth, Ninth and Tenth Reports to the Security Council. Washington, Government Printing Office, 1950. (Pub. 4051).

——— ——— Division of Library and Reference Services. Point Four, Far East. A Selected Bibliography of Studies on Economically Underdeveloped Countries. Washington, Department of State, 1951. (Bibliography No. 57).

——— Economic Cooperation Administration. [Ninth] Report . . . . Washington, Government Printing Office, 1951.

——— ——— Division of Statistics and Reports. The Role of ECA in Southeast Asia—Special Report, January 15, 1951. Washington, 1951.

——— Library of Congress. Reference Department. Indo-China: A Bibliography of the Land and People. Washington, Library of Congress, 1950.

——— ——— ——— Korea: An Annotated Bibliography of Publications in Far Eastern Languages . . . . Washington, Library of Congress, 1950.

——— ——— ——— Korea: An Annotated Bibliography of Publications in Western Languages . . . . Washington, Library of Congress, 1950.

POLITICAL THEORY, RESEARCH AND METHODOLOGY

Main Currents in Modern Political Thought. By JOHN H. HALLOWELL. (New York: Henry Holt & Company. 1950. Pp. xii, 759. $4.10.)

This book, intended both as a student text and as a work for the general reader, surveys the main currents of political thought from Locke down to the present. On the ground that social and economic factors have been adequately treated in other works, the author has deliberately concentrated on the religious and metaphysical foundations of political thought. His approach to the material thus delimited is frankly normative. On the assumption that the religious and metaphysical positions of Christian orthodoxy provide the most reliable guide to an understanding of the nature and destiny of man, he examines and judges all political theorists in accordance with this standard. For text-book purposes this greatly limits the usefulness of the book. Although it may be true that adequate treatments of the social and economic factors in political thought are available elsewhere, it is seldom possible to ask students to read more than one substantial commentary and at the same time to familiarize themselves with a sufficient body of primary material, and this book alone would give a very partial view of the problem. The propriety of asking students, outside a confessional school, to accept Christian orthodoxy as an unquestioned standard of judgment would also be doubtful. For the general reader, who may be assumed to have the desire and opportunity to consult many works with contrasting points of view, the book is more useful. The religious and metaphysical foundations of political thought have in the past been much neglected, and there is undoubtedly room for a work which emphasizes this aspect of the problem. The present book does much to fill this gap. The author is widely read, and his analysis of the material is often acute and suggestive. Even within his own frame of reference, however, he has been betrayed by dogmatic preoccupations into a number of faults both of omission and of commission. It is surprising, for example, in a work which so emphasizes the value of Christian orthodoxy, to find no discussion whatsoever of some of the major Christian theorists of the 19th century, including both reactionaries like Maistre, Bonald and Donoso Cortés, and Christian socialists like Kingsley and Ketteler. Perhaps the author felt that confidence in the reliability of Christian orthodoxy as a standard of political judgment would suffer by confrontation with the political judgments of 19th-century Christians. Among sins of commission a single example will suffice. Rousseau is a person who seldom receives justice, not to mention charity, at the hands of Christian apologists. It is therefore more deplorable than surprising to find our author (p. 173) dismissing him in the following terms: "All restraint upon man's natural impulses Rousseau believes is bad—goodness consists in being liberated from law, from discipline, from authority, from the obligations imposed by God and our fellow man." As applied to a theorist who, in his political writings at least, was virtually totalitarian in his insistence on legal and social discipline, this is, to put the matter charitably, misleading, and suggests that the book is one which, if it is to be used with profit, must be read with the greatest caution.—FREDERICK M. WATKINS, *McGill University*.

Law and Social Action; Selected Essays of Alexander H. Pekelis. EDITED BY MILTON R. KONVITZ. (Ithaca & New York: Cornell University Press. 1950. Pp. xi, 272. $3.50.)

A foreword by Max Ascoli and a postcript by Alvin Johnson pay tribute to a brilliant European legal scholar whose untimely death cut short the contributions to understanding of American law, which this posthumous collection of his work reveals he could have made. The book itself is composed of several essays, law review articles, briefs, book reviews, and memoranda. The subject matter ranges over topics so apparently diverse as the contemporary Supreme Court, comparative studies of procedure in civil law and common law courts, the civil rights of racial minorities, the emerging law of associations, and the legal system of the new state of Israel. A unifying theme, made clearer by the skillful work of the editor, runs, nevertheless, through the volume. Professor Pekelis, as a newcomer to the United States in 1941, was impressed like De Tocqueville a century before with the importance of groups in American political and legal development and the reciprocal impact of American law upon these groups. He suggests that the individualism of earlier Anglo-American law was and is less individualistic than continental legal doctrines, that the constitutional traditions in America which protect the individual respect him as one man among a group of friends and neighbors. "Some village Hampden" can stand up against officials largely because of the power of his village. In twentieth century America these areas of autonomy through union become more and more the voluntary associations rather than geographical units. But Pekelis was concerned with more than a restatement of the pluralist position. He was sensitive to the power as well as the freedom that comes through union. The voluntary (and sometimes not so voluntary) association in business, labor, church, and party becomes in fact *imperium in imperio*, a private government whose rules reach beyond its members. A democratic society must hold its constituent groups to standards of justice similar to those demanded from the state, "the one club to which we all belong." One of the most significant developments in American constitutional law in the twentieth century is the growth of a body of doctrine concerning the rights and responsibilities of associations. Pekelis' work shows him to have been one of the pioneers in discerning this growing point of the law. A racial minority, on the other hand, is an involuntary group created by the majority. The struggle against being put in a place chosen by some one else and against suffering the legal disabilities imposed by the majority is another major growing point of constitutional law in recent years. Professor Pekelis was an actor in, as well as a student of, this "struggle for law." His reflections and proposals, both as student and participant, are worth the attention of anyone who is similarly concerned.—ROBERT A. HORN, *University of Chicago.*

The Declaration of Independence and What It Means Today. BY EDWARD DUMBAULD. (Norman: University of Oklahoma Press. 1950. Pp. xiii, 194. $3.00.)

To accommodate readers "desiring to ascertain the meaning of any particular passage in the text of the Declaration," Mr. Dumbauld has placed the Declaration in its historical and philosophical setting, and has made brief and illuminating comments on each phrase of that document. The events leading to the Declaration are noted, the sources on which Jefferson drew for ideas and phraseology are indicated, the social contract theory is explained, and the various changes in the several drafts are pointed out. One might wish for more extensive treatment of the struggles within the colonies between the "radicals" and "conservatives." Mr. Dumbauld has, however, interestingly and concisely assembled the pertinent data needed to make the Declaration understandable in terms of the events and ideas of the 18th century. As Mr. Dumbauld points out, the Declaration's lasting appeal is contained neither in its statement of the causes which impelled the colonists to declare themselves "free and independent" nor in its exposition of the social contract theory. Its contemporary significance rests, rather, on its proclamation of the basic democratic doctrines whose validity remains unimpaired by the rejection of the social contract theory. They are as meaningful in the fight against 20th century tyranny as they were against that of George III. The author does not, however, devote much attention to the contemporary significance of these democratic principles nor does he explain how they can have meaning divorced from their Lockean setting. The title of the volume is, therefore, somewhat misleading, since its primary focus is "The Declaration of Independence and What It Meant to Thomas Jefferson." Of course, to understand what the Declaration, like the Constitution, meant to its framers is the first step in determining what it means today, but it is only the first step.—JACK W. PELTASON, *Smith College.*

A Philosophy of Labor. BY FRANK TANNENBAUM. (New York: Alfred A. Knopf. 1951. Pp. 199. $2.75.)

For political scientists interested in a perspective on the labor movement that includes the socio-political processes governing the relations between unions and their members, an historico-analytical interpretation of the struggle of unions for recognition and participation in control of industry, and the emergent political consequences of organized labor's changing economic and social status, this study provides in brilliantly-brief scope a contemporary successor to the Webbs' *Industrial Democracy* (1897) and Perlman's *Theory of the Labor Movement* (1928). The book's orientation is frankly based upon a functional interpretation of organized labor's role in the lives of its members, the industrial order, and the achievement of such political ideals as security, equality, and freedom. As such, it is open to the charge that many union members and leaders alike are either unconscious of the role in which Tannenbaum places them, or, if the latter were made explicit to them, would indignantly reject the strategic lines of policy called for by his interpretation. But most historians and political scientists will not be bothered by the contrast between the aspirations of political actors and the structural limitations of their historical position. The author himself is aware of the possibility that wage earners may respond to the utopian symbolism of predestined "class" supremacy, and he is thoroughly capable of expressing his propositions in conditional terms for the future. The record and the analysis provide ample justification for Tannenbaum's thesis that the implications of organized labor's role in society are *functionally* conservative, rather than revolutionary, for the institutions of capitalist democracy.—AVERY LEISERSON, *University of Chicago.*

A History of Mediaeval Political Theory in the West. (6 vols.) BY R. W. CARLYLE AND A. J. CARLYLE. (New York: Barnes and Noble, Inc. $35.00 a set. Vols. 1, 2 & 3, $5.25 ea.; vols. 4, 5 & 6, $7.50 ea.)

Reprint in its entirety of this distinguished work.

An Arab Philosophy of History; Selections from the Prolegomena of Ibn Khaldun of Tunis (1332–1406). TRANSLATED AND ARRANGED BY CHARLES ISSAWI. (London: John Murray. 1950. Pp. xiv, 190. 6s.)

First translation into English of selected passages from the writings of one of the earliest philosophers of history. The selections illustrate Ibn Khaldun's views on method, economics, population, the influence of geography, society and the state, religion and politics, and metaphysics. An introductory essay by the editor discusses the great Arab philosopher's life and writings.

Bakounine et le panslavisme révolutionnaire; Cinq essais sur l'histoire des idées en Russie et en Europe. By Benoit-P. Hepner. (Paris: Marcel Rivière et Cie. 1950. Pp. 320.)

A penetrating study of the political and philosophical influences on Bakunin in his formative years. The essays discuss his attitudes toward Fichte, Schelling, Hegel, Proudhon, Marx, and Polish messianism. F.T.E.

Marxism, Freedom and the State. By Michael Bakunin. Translated by K. J. Kenafick. (London: Freedom Press. 1950. Pp. 63. 5s.)

Extracts from Bakunin's writings.

Imperialism and Social Classes. By Joseph A. Schumpeter. Translated by Heinz Norden. Edited by Paul M. Sweezy. (New York: Augustus M. Kelley, Inc. 1951. Pp. xxv, 221. $3.00.)

Translations of two of the late Professor Schumpeter's papers, originally published in Germany in 1919 and 1927, respectively.

The Case for Conservatism. By Francis Graham Wilson. (Seattle: University of Washington Press. 1951. Pp. v, 74. $1.75.)

Three lectures delivered at the University of Washington on the background and tenets of American conservatism.

The Principles of Economic Planning. By W. Arthur Lewis. (Washington, D. C.: Public Affairs Press. 1951. Pp. 128. Paper $2.00, Cloth $2.50.)

Discussion of the possible roles of the state in the economy, by a professor of political economy at the University of Manchester.

ARTICLES AND DOCUMENTS ON POLITICAL THEORY

POLITICAL THEORY

FRANCIS G. WILSON
University of Illinois

History and Criticism

Bernstein, Irving. The Conservative Mr. Justice Holmes. *New England Quarterly.* December, 1950.

Bonno, G. Une Amitié Franco-Anglaise du XVII^e siècle: John Locke et l'Abbé du Bos. *Revue de Littérature Comparée.* October–December, 1950.

Bouman, P. J. Kausalität und Funktionalzusammenhang in der Soziologie Max Webers. *Zeitschrift für die Gesamte Staatswissenschaft.* Heft 3, 1949.

Bowen, Willis H. Sixteenth Century French Translations of Machiavelli. *Italica.* December, 1950.

Brant, Irving. Madison: On the Separation of Church and State. *William and Mary Quarterly*. January, 1951.

Cepeda Adán, José. El Providentialismo en los Cronistas de los Reyes Católicos. *Arbor*. November, 1950.

Chevallier, J. J. The Failure of Mirabeau's Political Ideas. *Review of Politics*. January, 1951.

Chroust, Hermann and Affeldt, Robert J. The Problem of Private Property According to St. Thomas Aquinas. *Marquette Law Review*. Winter, 1950–51.

Coleman-Norton, P. R. Cicero's Contribution to the Text of the Twelve Tables. *Classical Journal*. December, 1950.

Cushman, Robert E. Faith and Reason in the Thought of St. Augustine. *Church History*. December, 1950.

D'Entrèves, A. P. Immortal Machiavelli. *Measure*. December, 1950.

Francès, M. Les Réminiscences Spinozistes dans le 'Contract Social' de Rousseau. *Revue Philosophique de la France et l'Étranger*. January–March, 1951.

Gurian, Waldemar. Louis Veuillot. *Catholic Historical Review*. January, 1951.

Honigsheim, Paul. Max Weber: His Religious and Ethical Background and Development. *Church History*. December, 1950.

Howe, Mark DeWolfe. The Positivism of Mr. Justice Holmes. *Harvard Law Review*. February, 1951.

Kahn, Sholom J. Taine's Historical Criticism. *French Review*. January, 1951.

Lear, Floyd Seyward. The Public Law of the Visigothic Code. *Speculum*. January, 1951.

López-Morillas, Juan. Ortega y Gasset: Historicism vs. Classicism. *Yale French Studies*. No. 6. 1950.

Rose, Ernst. China as a Symbol of Reaction in Germany, 1830–1880. *Comparative Literature*. Winter, 1951.

Lunn, Arnold. John Ruskin. *Dublin Review*. Fourth Quarter, 1950.

Mann, Arthur. Solomon Schindler: Boston Radical. *New England Quarterly*. December, 1950.

Mattei, R. de. Propaggini di Platonismo e Triunfo dell' Aristotelianismo nel Pensiero Politico Italiana del Seicento. *Maia*. April–June, 1950.

Merzbacher, Friedrich. Augustin und das Antike Rom. *Archiv für Rechts und Sozialphilosophie*. XXXIX/1. 1950.

Monaco, M. Sieyès e la Formazione della Sua Personalità Politica. *Nuova Rivista Storica*. May–August, 1950.

Montenegro Duque, Angel. La Politica de Estado Universel en César y Augusto a Través de la 'Eneida' de Virgilio. *Revista de Estudios Politicos*. September–December, 1950.

Newman, K. J. Georg Simmel and Totalitarian Integration. *American Journal of Sociology*. January, 1951.

Nürnberger, R. Imperialismus, Sozialismus und Christentum bei Friedrich Naumann. *Histörische Zeitschrift*. October, 1950.

Odegaard, Charles E. The Empress Engelberge. *Speculum*. January, 1951.

Redfield, Robert. Maine's *Ancient Law* in the Light of Primitive Societies. *Western Political Quarterly*. December, 1950.

Reiner, Hans. Rousseaus Idee des Contract Social und die Freiheit der Staatsburger. *Archiv für Rechts und Sozialphilosophie*. XXXIX/1. 1950.

Rosa, L. de. Un 'Radicale' Inglese del Secolo Scorso: James Bronterre O'Brien. *Nuova Rivista Storica*. January–April, 1950.

Reppy, Alison. The Grotian Doctrine of the Freedom of the Seas Reappraised. *Fordham Law Review*. December, 1950.

Schmitt, Carl. Existentielle Geschichtsschreibung: Alexis de Tocqueville. *Universitas*. October, 1950.

Schneider, Peter. Pascals Plaisante Justice. *Archiv für Rechts und Sozialphilosophie.* XXXIX/1. 1950.

Schnorr, Gerhard. Die Stellung der Ländervertretungen in System der Deutschen Verfassung seit 1815. *Archiv der öffentlichen Rechts.* November, 1950.

Shafer, Boyd C. The American Heritage of Hope, 1865–1940. *Mississippi Valley Historical Review.* December, 1950.

Silberner, Edmund. Pierre Leroux's Ideas on the Jewish People. *Jewish Social Studies.* October, 1950.

Taymans, A. C. Tarde and Schumpeter: A Similar Vision. *Quarterly Journal of Economics.* November, 1950.

Thiel, J. H. On Solon's System of Property-Classes. *Bibliotheca Classica Batava.* Fasc. 1, 1950.

Tiernay, Brian. A Conciliar Theory of the Thirteenth Century. *Catholic Historical Review.* January, 1951.

Waldheim, G. von. La Ideología Politica de Goethe. *Revista de Estudios Politicos.* September–October, 1950.

Special Study and Analysis

Ash, Maurice A. An Analysis of Power with Special Reference to International Politics. *World Politics.* January, 1951.

Axtelle, G. E. The Philosophy of Organism Applied to Democratic Theory and Strategy. *Educational Forum.* January, 1951.

Ayala, F. Liberty, Security and Modern Technology. *International Social Science Bulletin.* Autumn, 1950.

Barker, Ernest. The Ideals of the Commonwealth. *Parliamentary Affairs.* Winter, 1950 (Special Issue).

Bathgate, John and Chandran, J. R. Indian Communism and the Indian Church. *International Review of Missions.* January, 1951.

Battaglia, Felice. Existencialismo y Marxismo. *Revista de Estudios Politicos.* September–October, 1950.

Beecher, Willard. The Myth of "the Unconscious." *Individual Psychology Bulletin.* 3 and 4 Quarter, 1950.

Benjamin, Walter. Über den Begriff der Geschichte. *Die Neue Rundschau.* Heft 4, 1950.

Bernoville, Gaëtan. Contemporary Trends in Catholic Thought in France. *Dublin Review.* Fourth Quarter, 1950.

Bierstedt, Robert. An Analysis of Social Power. *American Sociological Review.* Decembr, 1950.

Bloom, Clark C. Is a Consistent Governmental Economic Policy Possible? *Current Economic Comment.* November, 1950.

Brinton, Crane. The Last Hegemony. *Virginia Quarterly Review.* Winter, 1951.

Brunetti, Antonio. Capitalismo e Società Capitalista nel Diritto Sociale. *Nuova Rivista di Diritto Commerciale.* Fas. 8–12, 1950.

Cattell, Raymond B. The Integration of Psychology with Moral Values. *British Journal of Psychology.* September, 1950.

Coates, J. B. Logical Positivism: Ethics and Dr. Joad. *Fortnightly.* February, 1951.

Cole, G. D. H. The Conception of the Middle Class. *British Journal of Sociology.* December, 1950.

Coser, L. A. and Jacoby, Henry. Utopia Revisited. *Common Cause.* February, 1951.

Crossman, R. H. S. Reflections on the Cold War. *Political Quarterly.* January–March, 1951.

DeGré, Gerard. Ideology and Class Consciousness in the Middle Class. *Social Forces.* December, 1950.

Dirks, Walter. Christus, Europa und der Friede. *Frankfurter Hefte.* December, 1950.

Eliot, T. S. The Aims of Education (I). *Measure.* December, 1950.

Embler, Willer. Metaphor and Social Belief. *Etc.:* Winter, 1951.

Ewing, Albert, Jr. Justice of the Peace—Bedrock of Democracy. *Tennessee Law Review.* December, 1950.

Falk, W. D. Morality and Nature. *Australian Journal of Philosophy.* September, 1950.

Fraga Iribarne, Manuel. La Crisis de las Classes Medias. *Arbor.* November, 1950.

Frankena, William K. Moral Philosophy at Mid-Century. *Philosophical Review.* January, 1951.

Glicksberg, C. I. The Meaning of Existentialism. *Dalhousie Review.* January, 1951.

Glum, Friedrich. Das Parlamentarische Regierungssystem. *Die Neue Rundschau.* Heft 4, 1950.

Gramp, W. D. The Moral Hero and the Economic Man. *Ethics.* January, 1951.

Grazia, Sebastian de. The Principle of Authority in Its Relation to Freedom. *Educational Forum.* January, 1951.

Guérin, Daniel. Agriculture et Capitalisme aux États-Unis. *Les Temps Modernes.* January, 1951.

Hallowell, A. J. Values, Acculturation and Mental Health. *American Journal of Orthopsychiatry.* October, 1950.

Hartt, Julian N. Human Freedom and Divine Transcendence. *Journal of Religion.* January, 1951.

Hertz, Richard C. The Essence of Liberalism. *Chicago Jewish Forum.* Winter, 1950–1951.

Hill, Christopher. Historians on the Rise of British Capitalism. *Science and Society.* Fall, 1950.

Inge, W. R. Liberal Christianity. *Hibbert Journal.* January, 1951.

Jemolo, A. C. Relativité des Vues Historiques. *Revue Politique et Parlementaire.* January, 1951.

Johnson, Claudius O. Civil Liberty: The Citizen's Business. *Western Political Quarterly.* December, 1950.

Karpman, Ben. Aggression. *American Journal of Orthopsychiatry.* October, 1950.

Koebner, R. The Concept of Western Civilization. *Cambridge Journal.* January, 1951.

Keller, A. C. The Meaning of Progress. *Social Studies.* February, 1951.

Kendall, Willmoore. Prolegomena to any Future Work on Majority Rule. *Journal of Politics.* November, 1950.

Kessel, Eberhard. Der 'Inselstaat' in der Geschichte. *Die Welt als Geschichte.* Heft 3, 1950.

Koontz, Harold D. Government Control: the Road to Serfdom? *Education.* January, 1950.

Krout, John A. (ed.). The Defense of the Free World. *Proceedings of the Academy of Political Science.* January, 1951.

Lampos, C. J. (comp.). What Democracy meant to its Founders—The Greeks. *Athene.* Winter, 1951.

Lombardi, R. Proprietà e Vita. *La Civiltà Cattolica.* 6 January, 1951.

Löwenthal, Richard. Der Mythus des XIX. Jahrhunderts. *Frankfurter Hefte.* December, 1950.

Löwith, Karl. Skepsis und Glaube in der Weltgeschichte. *Die Welt als Geschichte.* Heft 3, 1950.

McCloskey, Robert G. American Conservatism and the Democratic Tradition. *Review of Politics.* January, 1951.

McKeon, Richard. Philosophic Differences and the Issue of Freedom. *Ethics.* January, 1951.

Mann, Golo. Der Fortschrittsglaube Amerikas. *Universitas.* October, 1950.

Mason, A. T. The Nature of Our Federal Union Reconsidered. *Political Science Quarterly.* December, 1950.

May, Henry F. The End of American Radicalism. *American Quarterly.* Winter, 1950.

Mesnard, Pierre. La Place de Cujas dans la Querelle de l'Humanisme Juridique. *Revue Historique de Droit Français et Étranger.* No. 4, 1950.

Murray, John. The Shrinkage of Liberalism. *Hibbert Journal.* January, 1951.

Orth, Andrew P. Socialism—The American Pattern. *Social Science.* January, 1951.

Ottaviano, Carmelo. Intorno al Significato Storico dell'Idealismo Italiana. *Sophia.* January–March, 1951.

Pennock, J. Roland. The Free Speech Doctrine: Some Doubts Resolved. *Western Political Quarterly.* December, 1950.

Plamenatz, John. The Communist Ideology. *Political Quarterly.* January–March, 1951.

Rossiter, Clinton. The American Mission. *American Scholar.* Winter, 1950–51.

Streeten, Paul. Economics and Value Judgements. *Quarterly Journal of Economics.* November, 1950.

Suslow, Leo A. Democracy in Latin America—U. S. Plan. *Social Science.* January, 1951.

Topilsch, E. Das Problem des Naturrechtes. *Wiener Zeitschrift für Philosophie, Psychologie, Pädagogik.* Heft 2, 1950.

Ulam, Adam B. The Cominform and the People's Democracies. *World Politics.* January, 1951.

Utley, T. E. Conservative Strategy. *Fortnightly.* January, 1951.

White, A. K. The Nature and Status of the Study of Politics. *Philosophy.* October, 1950.

Ycaza Tigerino, Julio. El Problema Político de Hispanamérica. *Revista de Estudios Politicos.* September–October, 1950.

Legal Theory and Public Law Issues

Antieau, Chester J. Judicial Delimitation of the First Amendment Freedoms. *Marquette Law Review.* Fall, 1950.

Cahn, Edmond N. Ego and Equality. *Yale Law Journal.* January, 1951.

Cowan, Thomas. A Postulate Set for Experimental Jurisprudence. *Philosophy of Science.* January, 1951.

Darmstaedter, Friedrich. Das Recht als Aufgabe des Juristen. *Zeitschrift für die gesamte Staatswissenschaft.* Heft 4 (1950).

Del Vecchio, Giorgio. The Unity of the Human Mind as a Basis for Juridical Comparison. *Notre Dame Lawyer.* Winter, 1951.

Hamburger, Max. Equitable Law. *Social Research.* December, 1950.

Laserson, Max M. The Work of Leon Petrazhitskii: Inquiry into the Psychological Aspects of the Nature of Law. *Columbia Law Review.* January, 1951.

Latham, Earl. The Theory of the Judicial Concept of Freedom of Speech. *Journal of Politics.* November, 1950.

Ofstad, Harald. The Descriptive Definition of the Concept "Legal Norm" Proposed by Hans Kelsen. *Theoria.* Part II, 1950.

Rabinowitz, Jacob J. Jewish and Lombard Law. *Jewish Social Studies.* October, 1950.

Schwartz, Bernard. A Common Lawyer Looks at Droit Administratif. *Canadian Bar Review.* February, 1951.

Sterner, Gerhard. Einige Gedanken über die Zukunft der Deutschen Rechtswissenschaft. *Zeitschrift für die Gesamte Staatswissenschaft.* Heft 3, 1949.

Truyol, A. Doctrines Contemporaines du Droit des Gens. *Revue Générale de Droit International Public.* July–September, 1950.

Wolany, Hans. Lo Stato ed il Diritto Sociale. *Nuova Revista di Diritto Commerciale.* Fasc. 8–12, 1950.

ARTICLES AND DOCUMENTS ON

METHODOLOGY AND RESEARCH IN THE SOCIAL SCIENCES

HERBERT A. SIMON

Carnegie Institute of Technology

Philosophy of Social Science

Fales, Walter. Historical Facts. *Journal of Philosophy*. February 15, 1951.

Gaus, John M. Trends in the Theory of Public Administration. *Public Administration Review*. Summer, 1950.

Girshick, M. A., and Lerner, Daniel. Model Construction in the Social Sciences. *Public Opinion Quarterly*. Winter, 1950–51.

Papandreou, A. G. Economics and the Social Sciences. *Economic Journal*. December, 1950.

Sayre, Wallace S. Trends of a Decade in Administrative Values. *Public Administration Review*. Winter, 1951.

Walter, W. Grey. An Imitation of Life. *Scientific American*. May, 1950.

Research Methods and Organization

Alpert, Harry. The Federal Statistical System. *American Journal of Sociology*. March, 1951.

Dodd, Stuart C. Call for Experimental Designs for Election Polling. *International Journal of Opinion and Attitude Research*. Summer, 1950.

Emery, David A. The Field Theoretical Approach to Psychological Research. *Social Research*. December, 1950.

Kaplan, Sidney. Rank and Status Among Massachusetts Continental Officers. *American Historical Review*. January, 1950.

Morgan, Roy. Note on the 1949 Federal Election in Australia—Comparative Accuracy of Probability and Quota Sampling. *International Journal of Opinion and Attitude Research*. Winter, 1950–51.

Vallance, T. R. Methodology in Propaganda Research. *Psychological Bulletin*. January, 1951.

Motivation and Personality

Alderson, Wroe. A Systematics for Problems of Action. *Philosophy of Science*. January, 1951.

Foote, Nelson N. Identification as the Basis for a Theory of Motivation. *American Sociological Review*. February, 1951.

Landecker, Werner S. Types of Integration and Their Measurement. *American Journal of Sociology*. January, 1951.

McCurdy, J. T. Psychopathology and Social Psychology, III: Hierarchies of Interests. *British Journal of Psychology*. September, 1950.

Stouffer, Samuel A., and Toby, Jackson. Role Conflict and Personality. *American Journal of Sociology*. March, 1951.

Opinions and Attitudes

Campbell, Angus. Pre-Election Polls of 1948. *International Journal of Opinion and Attitude Research*. Spring, 1950.

Hartley, Eugene L., Fisher, Burton R., and others. Processes of Opinion Formation: A Symposium. *Public Opinion Quarterly*. Winter, 1950–51.

Lazarsfeld, Paul F. The Obligations of the 1950 Pollster to the 1984 Historian. *Public Opinion Quarterly.* Winter, 1950–51.

Sanai, M. An Experimental Study of Politico-Economic Attitudes. *International Journal of Opinion and Attitude Research.* Winter, 1950–51.

Wilner, Daniel M., and Fearing, Franklin. The Structure of Opinion: A 'Loyalty Oath' Poll. *Public Opinion Quarterly.* Winter, 1950–51.

Woodward, Julian L. Polling Methodology: Present State and Future Prospects. *International Journal of Opinion and Attitude Research.* Spring, 1950.

Wyatt, Dale F., and Campbell, Donald T. Interviewer Bias as Related to Interviewers' Expectations and Own Opinions. *International Journal of Opinion and Attitude Research.* Spring, 1950.

Group Behavior

Bierstedt, Robert. An Analysis of Social Power. *American Sociological Review.* December, 1950.

Dalton, Melville. Informal Factors in Career Achievement. *American Journal of Sociology.* March, 1951.

England, Leonard. Personal Impact of British M.P.'s on Their Constituencies. *International Journal of Opinion and Attitude Research.* Summer, 1950.

Gillman, Leonard. Operations Analysis and the Theory of Games: an Advertising Example. *Journal of the American Statistical Association.* December, 1950.

Hill, Mozell C., and Whiting, Albert N. Some Theoretical and Methodological Problems in Community Studies. *Social Forces.* December, 1950.

White, James E. Theory and Method for Research in Community Leadership. *American Sociological Review.* February, 1950.

Culture and Institutions

Centers, Richard. Children of the New Deal: Social Stratification and Adolescent Attitudes. *International Journal of Opinion and Attitude Research.* Autumn, 1950.

De Gre, Gerard. Ideology and Class Consciousness in the Middle Class. *Social Forces.* December, 1950.

Fabricant, Solomon. The State and Measurement. *Journal of Economic History.* Supplement X, 1950.

Hartung, Frank E. Science as an Institution. *Philosophy of Science.* January, 1951.

Merigot, J.-G. La Nation dans la Pensee Economique. *Economie Contemporaine.* June, 1950.

Miller, William. The Recruitment of the American Business Elite. *Quarterly Journal of Economics.* May, 1950.

Pedersen, Jorgen. On the Effects of National Economic Planning on the International Division of Labor. *Economia Internazionale.* February, 1950.

Selznick, Philip. Institutional Vulnerability in Mass Society. *American Journal of Sociology.* January, 1951.

OTHER BOOKS RECEIVED

Albjerg, Victor L. and Albjerg, Marguerite Hall. *Europe from 1914 to the Present.* New York: McGraw-Hill Book Company, Inc. 1951. Pp. xii, 856. $5.50.

Bernstein, Peretz F. *Jew-Hate as a Sociological Problem.* Trans. by David Saraph. New York: Philosophical Library. 1951. Pp. 300. $3.75.

Enke, Stephen and Salera, Virgil. *International Economics.* New York: Prentice-Hall, Inc. 2d Edition. 1951. Pp. ix, 724. $5.00.

Euken, Walter. *Die Grundlagen der Nationalökonomie.* Berlin: Springer-Verlag. Sechste durchgesehene Auflage. 1950. Pp. xvii, 279.

Fairchild, Henry Pratt. *The Prodigal Century.* New York: Philosophical Library. 1950. Pp. xvii, 258. $3.75.

Fairchild, Henry Pratt. *Versus; Reflections of a Sociologist.* New York: Philosophical Library. 1950. Pp. xvii, 203. $3.75.

Freeman, Otis W. (ed.). *Geography of the Pacific.* New York: John Wiley & Sons, Inc. 1951. Pp. xii, 573. $10.00.

Gayer, Arthur D., Harriss, C. Lowell and Spencer, Milton H. (eds.). *Basic Economics; A Book of Readings.* New York: Prentice-Hall, Inc. 1951. Pp. xv, 624. Paper $2.95.

Goode, Richard. *The Corporation Income Tax.* New York: John Wiley & Sons, Inc. 1951. Pp. xiii, 242. $3.00.

Haddad, George. *Fifty Years of Modern Syria and Lebanon.* New York: Hafner Publishing Co., Inc. 1950. Pp. xvi, 264. $3.00.

Harrod, R. F. *The Life of John Maynard Keynes.* New York: Harcourt, Brace and Company. 1951. Pp. xvi, 674. $7.50.

Hitti, Philip K. *History of Syria, Including Lebanon and Palestine.* New York: Macmillan Company. 1951. Pp. xxv, 749. $10.00.

Hopkins, James F. *A History of the Hemp Industry in Kentucky.* Lexington: University of Kentucky Press. 1951. Pp. viii, 240. $4.00.

International Auxiliary Language Association Research Staff under the Direction of Alexander Gode. *Interlingua-English; a Dictionary of the International Language.* New York: Storm Publishers. 1951. Pp. lxiv, 415. $5.00.

Isely, Jeter A. and Crowl, Philip A. *The U. S. Marines and Amphibious War; Its Theory, and Its Practice in the Pacific.* Princeton: Princeton University Press. 1951. Pp. vii, 636. $7.50.

Jerrold, Douglas. *England; Past, Present and Future.* New York: W. W. Norton & Company, Inc. 1951. Pp. viii, 341. $4.00.

Karlen, Delmar. *Primer of Procedure.* Madison: Campus Publishing Company. 1950. Pp. xv, 525. $6.50.

Labor Research Association. *Monopoly Today.* New York: International Publishers. 1950. Pp. 128. $1.50.

Lewis, Archibald R. *Naval Power and Trade in the Mediterranean A.D. 500–1100.* Princeton: Princeton University Press. 1951. Pp. xii, 271. $4.00.

Metford, J. C. J. *San Martin; The Liberator.* New York: Philosophical Library. 1950. Pp. xi, 154. $3.75.

Miller, Delbert C. and Form, William H. *Industrial Sociology; An Introduction to the Sociology of Work Relations.* New York: Harper & Brothers. 1951. Pp. xi, 896. $6.00.

Mirov, N. T. *Geography of Russia.* New York: John Wiley & Sons, Inc. 1951. Pp. xii, 362. $6.50.

Mitchell, Sydney Knox. *Taxation in Medieval England.* Edited by Sidney Painter. New Haven: Yale University Press. 1951. Pp. 413. $5.00.

Morey, Lloyd and Hackett, Robert Phillip. *Fundamentals of Governmental Accounting.* New York: John Wiley & Sons, Inc. 2d Edition. 1951. Pp. xiii, 518. $5.50.

Mosk, Sanford A. *Industrial Revolution in Mexico.* Berkeley & Los Angeles: University of California Press. 1950. Pp. xii, 331. $3.75.

O'Neill, H. C. (Strategicus). *A Short History of the Second World War.* New York: Frederick A. Praeger. 1950. Pp. 345. $4.00.

Osgood, Cornelius. *The Koreans and Their Culture.* New York: Ronald Press Company. 1951. Pp. xvi, 387. $5.00.

Ramírez, José Fernando. *Mexico During the War with the United States.* Edited by Walter V. Scholes. Trans. by Elliott B. Scherr. Columbia: University of Missouri. 1950. Pp. 165. $2.50.

Robinson, Charles Alexander, Jr. *Ancient History, From Prehistoric Times to the Death of Justinian.* New York: Macmillan Company. 1951. Pp. xxiii, 738. $6.00.

Runes, Dagobert D. (ed.). *The Hebrew Impact on Western Civilization.* New York: Philosophical Library. 1951. Pp. xiv, 922. $10.00.

Schoff, Leonard Hastings. *A National Agricultural Policy for All the People of the United States.* New York: Harper & Brothers. 1950. Pp. xix, 153. $2.50.

Sédillot, René. *The History of the World in Three Hundred Pages.* Trans. by Gerard Hopkins. New York: Harcourt, Brace and Company. 1951. Pp. 320. $2.95.

Schultz, George P. *Pressures on Wage Decisions; A Case Study in the Shoe Industry.* Cambridge: The Technology Press of the Massachusetts Institute of Technology, and New York: John Wiley & Sons, Inc. 1951. Pp. vii, 142. $3.00.

Taylor, Griffith (ed.). *Geography in the Twentieth Century; A Study of Growth, Fields, Techniques, Aims and Trends.* New York: Philosophical Library. 1951. Pp. x, 630. $8.75.

Vernadsky, George. *A History of Russia.* New Haven: Yale University Press. 1951. 3rd Revised Edition. Pp. ix, 533. $4.00.

Wakefield, Eva Ingersoll (ed.). *The Letters of Robert G. Ingersoll.* New York: Philosophical Library. 1951. Pp. xii, 747. $7.50.

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OTHER ANNOUNCEMENTS

Report of Nominating Committee for 1952

At the coming meeting of the American Political Science Association to be held in San Francisco, the Committee on Nominations (Charles M. Kneier, University of Illinois, Chairman), will propose the following officers for 1952: President-Elect, Pendleton Herring (Social Science Research Council); Vice-Presidents, Lane W. Lancaster (University of Nebraska), Harold D. Lasswell (Yale University), and Lloyd M. Short (University of Minnesota); members of the Executive Council for two years, John H. Ferguson (Pennsylvania State College), Oliver Garceau (Bennington College), Lee S. Greene (University of Tennessee), Boyd A. Martin (University of Idaho), Dean E. McHenry (University of California, Los Angeles), Robert S. Rankin (Duke University), Ivan M. Stone (Beloit College), David B. Truman (Williams College).

The attention of all members of the Association is called to the provision of Article 9 of the Constitution that "all resolutions shall be referred to the Council for its recommendation before submission to the vote of the Association at its annual business meeting. Notice of this provision shall be given to the members of the Association in advance of the annual meeting." The meeting of the Council of the Association will be held at International House in Berkeley on Monday, August 27, 1951, beginning at 9 A.M. Resolutions for consideration at this meeting should be in the hands of the secretary-treasurer before the day of the meeting. They may be addressed to him either at the Washington office of the Association, 1785 Massachusetts Avenue, N.W., or in care of the Fairmont Hotel, San Francisco.

A subcommittee of the American Political Science Association's Committee on Political Parties has been charged with the duty of making a study to follow up the Committee's 1950 report entitled *Toward a More Responsible Two-Party System.* The immediate objective of the subcommittee is to stimulate further commentaries on the 1950 report, to collect and arrange the commentaries in a systematic order, and to evaluate the commentaries as a supplement to the report. The subcommittee requests that members of the Association transmit to it information having to do with the report, including information relating to the extent to which the report is being used in college and university courses or in other activities. In addition, the subcommittee desires to receive copies of reviews, newspaper clippings and other materials relating to the report. Communications should be addressed to Mr. George H. E. Smith, chairman of the subcommittee, in care of the American Political Science Association, 1785 Massachusetts Avenue, N. W., Washington 6, D. C.

Report of Program Committee

The size of the Association membership and the anticipated attendance again have necessitated the use of two hotels. The Association is more fortunate than usual in that the two selected stand atop Nob Hill, only one hundred feet apart. However, the number of public rooms available with suitable seating capacity has imposed a limit on the number of section meetings that can be scheduled at any given hour.

Even had it not been necessary, the Program Committee probably would have made a deliberate attempt to reduce the number of meetings in progress at any given time. Suggestions received from the many members who have taken the trouble to write to the chairman and members of the Committee indicate a desire to experiment with a simpler program. It is hoped that the Conference will be more leisurely and less tiring than usual, but at the same time no less profitable.

In two cases, round tables have been built directly around published reports of standing committees of the Association. In each instance, the session has been organized and is being chaired by a person who was not a member of the committee and played no direct role in the preparation of the report. These sessions are intended to give the Association's membership an opportunity to examine critically the procedures followed by the committee and the conclusions that it has reached, alike for the benefit of the committee—each of those concerned is continuing its studies along similar lines—and of the membership. A few other round tables deal with the current research activities of standing committees, and have been arranged by the committees themselves.

The Association this year is meeting four months earlier than usual. This has necessitated a speed-up in all planning activities. Toward the end of March the Program Committee sent a mimeographed preliminary announcement, listing many of the round tables to be offered, to nearly five hundred institutions (those listed in the 1945 edition of the American Council of Education's *Guide to Colleges, Universities, and Professional Schools in the United States* as offering work in political science). The announcement requested advice and counsel in filling out details, as well as suggestions concerning additional items to be included. The results of this canvass are not reflected in the present report, which was written April 15. The Committee anticipates, however, that it will add a great deal to the value of the final offering.

ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Preliminary Program Schedule

SUMMARY OF PROGRAM

TUESDAY, AUGUST 28

10:00 A.M.
- (1) Social Stratification and Politics (I)
- (2) The Future of Collective Security

12:30 P.M.
- (3) Luncheon; speaker: Hon. Earl Warren, Governor of California (tentative acceptance)

2:30 P.M.
- (4) Recommendations of the President's Water Resources Commission and Development of the West
- (5) The Use and Abuse of Legislative Investigations
- (6) Systematic Study of International Relations
- (7) Political Education and Information in the Armed Forces

(8) Journals in Political Science: Problems of Contributors and Editors

8:45 P.M.

(9) Presidential Address and Presentation of Political Science Awards

WEDNESDAY, AUGUST 29

9:30 A.M.

(10) The Essentials of Free Government
(11) A More Responsible Two-Party System?
(12) The Containment of Communism in South Asia
(13) Social Stratification and Politics (II)
(14) Labor Problems of Defense Mobilization

12:30 P.M.

(15) Luncheon; speaker to be announced

2:30 P.M.

(16) Research Program of the Committee on Political Parties
(17) Goals for Political Science
(18) Administrative Theory and the Nature of the State
(19) Public Law: The Need for Conceptual Reorientation
(20) The Nature of Power in Latin-American Politics

4:45 P.M.

(21) Annual Business Meeting

THURSDAY, AUGUST 30

9:30 A.M.

(22) Democratic Control and Need for Secrecy
(23) Training for Overseas Administration
(24) The Teaching of Government in the Senior High School
(25) Citizen Enforcement of Civil Liberties
(26) National Emergency Strikes

SUMMARY OF SPECIAL EVENTS

MONDAY, AUGUST 27

9:00 A.M.

All day meeting of the Executive Council of the American Political Science Association

9:30 A.M.

Annual meeting of the Western Political Science Association

TUESDAY, AUGUST 28

5:00 P.M.

Meeting of the Chairmen of Departments of Political Science

5:45 P.M.

Cocktails aboard harbor boat touring San Francisco Bay

WEDNESDAY, AUGUST 29

8:15 A.M.

Breakfast: Pacific Northwest Political Science Association

6:30 P.M.

Dinner: Editorial Board, AMERICAN POLITICAL SCIENCE REVIEW

THURSDAY, AUGUST 30

8:15 A.M.

Breakfast: Pi Sigma Alpha

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The revised edition of this very popular book remains functional in that it combines American government and general political science in one course. New features include questions at the end of each chapter; a rearrangement of the order of some chapters and a condensation of others; additional illustrative matter; and expansion of the sections on the United Nations and the dynamics of American foreign policy. Historical material which tended to obscure the main outline of the presentation has been omitted. This revision incorporates all the changes during the past five years in governmental operation.

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